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		requirements within six months of the date of the change in ownership or operational control of the facility.	No. 5 by letter July 12, 1995.					
50	30 T.A.C. § 324.1 (adopting by reference 40 C.F.R. Part 279 – Standards for the Management of Used Oil); 30 T.A.C. § 324.6; 40 C.F.R. § 279.22(c)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."	The following used oil labeling deficiencies were observed: 1. One (1) 55-gallon drum accumulating oily-water from leaking compressor in the Adipic Acid area was not labeled used oil; 2. One used oil dumpster located in Adipic Acid was not labeled; and 3. One (1) 55-gallon drum near a sump by Bldg 5100 was not labeled.	Correct labels were affixed to the drums and dumpster. Communications from first line supervisors and area management were delivered to personnel regarding the labeling requirements for used oil.	8/10/04	10/9/04	8/20/04	B,F
51	30 T.A.C. § 335.69(d); 40 C.F.R. § 262.34(c)(1)	State and federal regulations require satellite accumulation areas to be at or near the point of generation and under control of the operator of the process generating the waste.	A 30 gallon drum of hazardous waste in the new maintenance location in ADN was not under control of the generating operator.	The hazardous waste drum was removed to an appropriate storage area on 8/12/04. The facility verified that its training addresses monitoring and tracking of satellite accumulation areas. The relevant operators received refresher training 10/8/04 on responsibilities for monitoring and tracking satellite accumulation.	8/11/04	10/10/04	8/12/04	C
52	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D - Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40	Federal and state regulations require large quantity generators of hazardous waste to prepare and implement a Hazardous Waste Contingency Plan.	The INVISTA facility has not prepared a site-specific Hazardous Waste Contingency Plan. The facility continues to use the DuPont Hazardous Waste Contingency Plan. The DuPont Plan was not reviewed in detail however, cursory review identified numerous deficiencies, including the following examples: --The plan did not list the names,	A Hazardous Waste Contingency Plan was prepared for the facility and submitted to local emergency response organizations.	8/11/04	10/10/04	10/8/04	A,F

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	C.F.R. §§ 265.51(a) and 265.52(c)-(d)		addresses, and phone numbers (office and home) of INVISTA personnel qualified to act as emergency coordinator; and --The plan did not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services with the INVISTA section of the Facility.					
53	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. §§ 265.15(d); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 265, Subpart J – Tank Systems); 40 C.F.R. §§ 265.195(c)	Federal and State regulations require the facility to conduct and document daily hazardous waste tank inspections.	The facility incorrectly or incompletely filled out the daily inspection form 8 of 31 days in May 2004 for the D12, SWTF tank (i.e., boxes not checked and/or checked that problems were observed).	Upon further review, the facility determined that the facility's area inspection logs included all required inspection information.	8/12/04	N/A	N/A	E
54	30 T.A.C. § 335.69(a) and (b); 40 C.F.R. § 262.34(a) and (b)	A generator may accumulate hazardous waste on-site for 90 days without a permit or interim status. A generator who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility and is subject to all applicable requirements relating to such facilities unless it is	The facility accumulated hazardous waste from the R&D laboratory in the 400 gallon dumpster, X-15, for 97 days (May 7, 2004 through August 12, 2004) without a permit.	The dumpster was moved to the incinerator area on 8/13/04. The facility's container management procedures were revised on 8/24/04 and determined to be adequate. The root cause for the finding was determined to be employee oversight and the employee was	8/12/04	10/11/04	8/24/04	C

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		granted an extension to the 90-day period.		retrained.				
55	30 T.A.C. § 335.69(d)(2)	A generator, other than a conditionally exempt small quantity generator, may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with certain other requirements provided the generator marks its containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.	One of eight satellite containers observed in the main lab of the Quality Control Laboratory Building #5 was not marked with the words "Hazardous Waste" or with other words that identify its contents.	The container was labeled on 8/13/04. The facility's procedures and training were reviewed and were determined to adequately address labeling. Additional instruction was provided to the personnel involved on 8/20/04.	8/12/04	10/11/04	8/13/04	C
56	40 C.F.R. Part 112, Subpart A	The owner or operator of a facility meeting certain criteria must prepare a SPCC Plan in accordance with good engineering practices. The Plan must meet specific requirements.	The facility's SPCC Plan or SPCC program failed to meet SPCC requirements. The Plan has not been reviewed and amended with respect to current operations, does not contain all of the mandatory information, and has not been implemented or updated. There is no formal oil storage inspection program as required by SPCC regulations, and no SPCC training is being performed as required by the regulations.	A SPCC plan for the facility was revised and certified by Zephyr Environmental, P.E.	8/4/04	10/3/04	10/2/04	A,F
56.1	40 C.F.R. § 112.7(c)	SPCC regulations require secondary containment for certain portable containers.	The facility does not comply with secondary containment requirements of SPCC rules for certain portable containers	The facility moved all portable containers that did not comply with secondary containment requirements to storage areas with secondary	9/8/04	11/7/04	10/2/04	A,F

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				containment.				
57	30 T.A.C. Chapter 334, Subchapter F	An AST is subject to particular regulations only when such tank: (A) meets the definition of "aboveground storage tank;" (C) is not exempted from regulation in §334.123 of this title (relating to Exemptions for Aboveground Storage Tanks (ASTs); and (D) is not excluded from regulation in §334.124 of this title (relating to Exclusions for Aboveground Storage Tanks (ASTs).	On-site ASTs >1,100-gallons that store petroleum products are subject to registration, certification, and reporting requirements (i.e., the diesel fuel tank for the air compressors at Adipic Acid). Based on the facility's NAICS code of 325199, the facility would not meet the exemption from the AST requirements for petrochemical facilities.	Upon further review, the facility determined that TCEQ interprets the term "petrochemical" according to its dictionary definition and not by NAICS Code. Therefore, as long as the raw materials used at the facility derive from petroleum or natural gas, the exemption for ASTs at "petrochemical" facilities is satisfied. The use of chemicals like butadiene, cyclohexane, hydrogen, ethylene, and natural gas at the Sabine plant satisfies this requirement. Thus, the facility concluded that this finding did not represent a violation because the facility satisfies the exemption from the registration, certification, recordkeeping and other requirements in the state AST program.	8/4/04	N/A	N/A	E
58	40 C.F.R. § 144.32(b)	Permit applications (except those submitted for Class II wells) must be signed by a responsible corporate officer, as defined. All reports required by permits, other information requested by TCEQ, and all permit applications submitted for Class II wells under §144.31 must be signed by a responsible corporate officer (defined above), or by a duly authorized representative of that person, as defined. Any person signing a document described above must make a	The following items were noted from the review of documentation submitted to TCEQ pertaining to the UIC wells: 1. The annual testing report for Well 9 (WDW-191) was submitted on May 7, 2004 by an INVISTA employee on DuPont letterhead; 2. The annual testing report for Wells 3, 4 and 9 (WDWs – 54, 55 and 191) was submitted on March 26, 2004 by an INVISTA employee on DuPont	The reports cited in the finding were submitted by DuPont. The facility has established procedures to ensure that reports are signed by a responsible officer or a duly authorized representative and the certification requirements are met.	8/17/04	10/16/04	10/12/04	B,F

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		specific certification set forth in the regulations.	Letterhead; and 3. Quarterly reports dated July 21, 2004, April 14, 2004 and January 20, 2004 were signed by INVISTA employees. The July 2004 report was co-signed by both INVISTA and DuPont employees. Note: DuPont continues to maintain the permits for the wells and facility files did not include written delegation of authority to any of the individuals signing reports for either DuPont or INVISTA.					
59	30 T.A.C. § 331.64(a)(1)(A)	State of Texas regulations require owners or operators of injection wells to develop and follow an approved written waste analysis plan. Specifically, injection fluids must be sampled and analyzed with a frequency sufficient to yield representative data of their characteristics. The waste analysis plan must describes the procedures to be carried out to obtain a detailed chemical and physical analysis of a representative sample of the waste, including the quality assurance procedures used. Minimum requirements for the plan are set forth in the regulations.	The following deficiencies were noted regarding the facility's written waste analysis plan: Facility files did not include documentation showing approval from the State of Texas for the facility's waste analysis plan; and The plan did not include all of the parameters for which the waste will be analyzed and the rationale for the selection of these parameters.	The Waste Analysis Plan was modified to incorporate the additional detail noted in the finding, and submitted to DuPont (current permittee) on 10/13/04 for submittal to the State for approval.	8/17/04	10/16/04	10/13/04	D,F
60	40 C.F.R. § 355.40(b) 30 T.A.C. §§ 101.1 and 101.201	Facilities are required to report emissions events where an unauthorized emission equal to or in excess of a Reportable Quantity (RQ) is emitted in a 24-hour period	In the Adipic Acid process, the High Pressure Scrubber (HPS), Low Pressure Scrubber (LPS), Steam Still, Steam Still Decanter, and Aqueous Decanter vent to	For compliance with Texas regulations, the facility has determined that under state emissions event reporting rules, the facility is not required to aggregate	8/4/04	N/A	N/A	E

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		as a result of an upset event or unscheduled maintenance, startup or shutdown activity that results in unauthorized emissions. The owner or operator of the facility must, as soon as practicable, but not later than 24 hours after the discovery of an emissions event, determine if the event is a reportable emissions event, and if the emissions event is reportable, notify the appropriate TCEQ regional office and all appropriate local air pollution control agencies.	atmosphere during upset conditions (system interlocks) when off-gas from these units cannot be vented to the cogen. During these upsets, the facility does not aggregate all affected emission points when making a determination of whether or not an emissions event is reportable. Instead, the facility compares each affected emission point individually against the RQ. Additionally, the facility does not compare facility-wide emissions during these upsets against CERCLA release RQs to determine if a reportable CERCLA release has occurred. Note: Until 18 months ago, the facility considered both HPS and LPS emissions when making a reportable emissions event determination. The facility stated that TCEQ personnel told the facility they could make their determinations based on individual affected emission points instead of an accumulation of emission points affected by a single emission event. The facility did not have any emissions events in 2003 or 2004 that would have been reportable had they considered both the HPS and LPS vents in their determinations.	emission points for determining whether a reportable quantity has been triggered. An "emissions event" is defined as "any upset event or unscheduled maintenance, startup, or shutdown activity that results in unauthorized emissions from an emissions point." Therefore, the facility concluded that it has been properly determining whether an emissions event is reportable under the applicable state rules. For EPCRA reporting, all releases site-wide are to be aggregated. However, the facility has confirmed that even if aggregated, no RQs of federally reportable substances are believed to have been emitted. The facility is currently aggregating emissions for EPCRA purposes and reporting when necessary.				
61	40 C.F.R. § 156.10(a)	Federal pesticide regulations require bulk storage tanks holding registered pesticides to have a legible copy of the approved pesticide label attached to the tank.	The following deficiencies were noted regarding management of registered pesticides: Three bulk storage tanks of 12% sodium hypochlorite (Registered	The containers were appropriately labeled on 9/22/04, and were upgraded on 9/30/04 as necessary to comply with additional requirements	8/11/04	10/10/04	9/30/04	B,F

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		The label must appear on or be "securely attached" (as defined) to the immediate container of the pesticide product.	Pesticide # 813-16) were observed without the appropriate labels (cooling water treatment for Adipic Refining – Building 5100, Cyan Oxidation Water Treatment and #4 AOP water treatment); and A copy of the label was not maintained on-site to determine if the pesticide was being used and stored in a manner consistent with its labeling.	contained in the label.				
62	TSCA §12(b) 40 C.F.R. § 707.65	TSCA requires any person who exports or intends to export a chemical substance or mixture to notify EPA of such exportation to a particular country if certain circumstances exist.	Since May 1, 2004 the facility has exported cyclohexanol (CAS # 108-93-0) in 3 barge shipments to Houston with England as the final destination and has not submitted an export notification to the EPA.	The TSCA Section 12(b) notification for cyclohexanol was made by the facility on 8/27/04 and required records were maintained. The shipment was made to the Netherlands.	8/10/04	10/9/04	8/27/04	B,F

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ID #	Regulatory Citation	Brief Description of Requirement	Observation	Corrective Action	Date Discovered	60-Day Deadline	Date Closed	Frequency/ Duration
1	40 C.F.R. § 82.166(b)	Purchasers of refrigerant who employ certified technicians may provide evidence that at least one technician is properly certified to the wholesaler who sells them refrigerant; the wholesaler must then keep this information on file and may sell refrigerant to the purchaser or his authorized representative even if such purchaser or authorized representative is not a properly certified technician.	Federal regulations require the facility to provide evidence to the seller of refrigerants that it employs at least one certified technician prior to the purchase of any refrigerant. HMD and ADN purchase refrigerant (R-22 and HFC 134a) as needed. No evidence of such notification was found. Note: Purchase records are not sufficiently maintained to determine if refrigerant had been purchased since acquisition on May 1, 2004.	The facility has concluded that there was no violation of the cited requirement. The regulations provide that the purchaser "may" provide evidence that at least one technician is properly certified. If it does, and then it no longer has a certified technician, it "must" notify the seller. Unless there is evidence that the facility had provided such notice, then no longer had a certified technician, and then failed to notify of the change, there is no violation. Further, the purchaser of refrigerant is not required to maintain evidence that it notified the seller that it employs at least one certified technician. Nevertheless, the facility established a system to ensure that proper notice is provided upon purchase of CFCs.	8/4/04	10/3/04	9/28/04	E
2	TCEQ Air Permit No. 1790, Condition No. 14J.	Operation without visible liquid leaks or spills shall be maintained at all loading/unloading facilities, regardless of vapor pressure. This does not apply to momentary dripping associated with the initial connection or disconnection of fittings. Sustained dripping from fittings during loading/unloading operations is not permitted.	Conditions of the facility's NSR Air Permit No. 1790 for Adipic Acid production prohibit sustained dripping from fittings during loading/unloading operations. The facility's loading and unloading SOPs (i.e., methanol, AA, etc.) did not specify that sustained leaks during loading and unloading are not permitted. Note: The Wet Ketone Alcohol (WKA) loading SOP does address leaks during the process and indicates that the operator must stop the loading and fix the leak.	The cited permit does not require the facility's SOP to specify that sustained leaks are not permitted. The facility has a procedure, however, specifying that sustained leaks are not permitted.	8/4/04	N/A	N/A	E

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3	30 T.A.C. § 122.165(c)	State of Texas regulations require Title V Semi-Annual Monitoring Reports and Annual Compliance Certifications to be signed by a responsible official, as defined, or a duly authorized representative, as defined.	The Title V Semi-Annual Monitoring Report and Annual Compliance Certification (both submitted July 2004) for the ADN Boilers (Permit No. O-02075) were not signed by a responsible official as defined by regulation. Note: The report and certification were signed by the powerhouse unit manager.	At the time of this finding, DuPont held this permit and operated the ADN boilers, and submitted the June 21, 2004 certification. Now that permit has been transferred, the facility has a responsible official or duly authorized representative sign any required reports and certifications.	8/9/04	N/A	N/A	E
4	30 T.A.C. § 122.146	The Title V Permit for the Adipic Acid production facility requires compliance with the Texas Compliance Certification Terms and Conditions. The annual compliance certification must include or reference (among other items) the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data.	The facility's first Compliance Certification was due in September 2004. The facility cannot certify compliance with the Vent Gas Control monitoring and recordkeeping requirements for the cogen units at Conoco and/or DuPont, as the facility does not have direct access to Conoco and DuPont data. Additionally, after a cogen outage, there is no procedure where INVISTA is notified when the cogen units have reached the appropriate destruction temperature. INVISTA personnel are not aware of any controls that prevent them from venting to the cogen units until the destruction temperature has been reached. INVISTA only documents the period of time that the Adipic Acid process vents to atmosphere so it is possible that there are periods during each cogen startup, prior to the units reaching destruction temperatures that should be documented as deviations as well.	In September 2004 and 2005, the facility submitted annual compliance certifications pursuant to 30 T.A.C. 122.146. Because the facility did not have direct access to Conoco and DuPont data, the certifications both stated that the facility could not certify continuous compliance with the Vent Gas Control monitoring and recordkeeping requirements for the Cogen units at Conoco and DuPont. The facility has received and reviewed the information requested from DuPont and Conoco and has concluded that it now has access to the data needed to make the appropriate certification.	8/9/04	10/8/04 By letter dated 5/31/05, the facility requested an extension until 10/31/05.	10/31/05	B,F

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5	TCEQ Air Permit No. 1303, Special Condition No. 6	The maximum allowable emission rates table allowable emissions for EPNs PE-20 and PE-21 include the emissions associated with six unit shutdowns in any 12-month period. The emissions from these emission points must be recorded following each shutdown. The emissions are to be calculated based on the duration of gas flow, estimated gas flow rate, concentration of ammonia in the absorber water, and temperature of the absorber water during the startup or shutdown. The permit holder must notify the TNRCC Regional Office prior to any unit shutdown as required by Section 101.7 of the TNRCC General Rules (now repealed). T.A.C. requires the owner or operator of a facility conducting a scheduled maintenance, startup, or shutdown activity to notify the appropriate TCEQ regional and all appropriate local air pollution control agencies at least ten days prior to any scheduled maintenance, startup, or shutdown activity which is expected to cause an unauthorized emission which equals or exceeds the reportable quantity and/or an activity where the owner or operator expects only an excess opacity event that is subject to §101.201(e) (relating to Emissions Event Reporting and Recordkeeping Requirements).	Special Condition 6 of the facility's HMD NSR Air Permit No. 1303 requires the facility to notify the TCEQ regional office prior to any unit shutdown, by referencing a regulation (Section 101.7) that has been repealed. Therefore, the permit's Special Condition 6 language currently requires this advance notification, even though current regulation Section 101.211(a) would not require the advance notification. The facility does not notify TCEQ before planned shutdowns. Note: While Section 101.7 has been repealed, Section 101.211(a) requires 10-day advance notification of planned shutdowns only if emissions are "unauthorized emissions that are expected to exceed a reportable quantity." Emissions from the planned shutdowns are "authorized" since the permit condition includes reference to six shutdowns per 12-month period and only 3-4 occur each year at HMD. Also, emissions from HMD shutdowns have not exceeded a reportable quantity during the audit period. The facility currently has a permit renewal application for Permit No. 1303 under review at TCEQ and has informed TCEQ in the transmittal letter that it "would like to clean up the Special Conditions section."	Prior to its repeal, 30 T.A.C. § 101.7(b) provided that "the owner or operator shall notify the [TCEQ] . . . at least ten days prior to any maintenance, start-up, or shutdown which is expected to cause an unauthorized emission which equals or exceeds the reportable quantity in any 24-hour period." Therefore, even as the permit is written, notification is required only if the maintenance, start-up, or shutdown is expected to cause an unauthorized emission which equals or exceeds the reportable quantity. According to the finding, emissions from HMD shutdowns are not expected to, and in fact, have not exceeded a reportable quantity during the audit period. Nevertheless, the facility requested, in its cover letter accompanying its HMD permit revision, that Special Condition No. 6 be changed to reference Section 101.211.	8/10/04	N/A	N/A (Letter to TCEQ submitted 10/11/04) See Tab 18.B	E

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6	30 T.A.C. § 335.221(a)(14)(adopting by reference 40 C.F.R. § 266.103(h)-(l) – Interim Status Standards for Burners: Fugitive Emissions; Changes; Monitoring and Inspections; Recordkeeping and Closure, respectively); 40 C.F.R. § 266.103(j); 30 T.A.C. § 335.112(a)(1)(adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. § 265.15(d)	Owners/operators of BIFs must perform certain monitoring and maintain certain records while burning hazardous waste. The BIFs and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspections when they contain hazardous waste, at least daily, for leaks, spills, fugitive emissions, and signs of tampering. The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can make certain demonstrations. The BIF owner or operator must record inspections in an inspection log or summary (containing certain required information), and must keep these records for at least three years from the date of inspection.	The following deficiencies and/or discrepancies were noted regarding the facility's RCRA BIF Shift Report reviewed for the period of May 1, 2004 through July 31, 2004: The Date/Time entries are routinely not populated; and The box was not checked indicating that the automatic waste feed cut-off was checked for boiler No. 8 during the week of May 28, 2004.	At the time of this finding, DuPont held the permit and was the operator of the BIFs and was performing inspections and maintaining records.	8/10/04	N/A	N/A	E
7	40 C.F.R. Part 60, Subparts A, NNN, and RRR	Federal regulations for certain reactors and distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and compliance with applicable standards, recordkeeping and reporting requirements.	HMD made several modifications since 1984 that increased production from 500 MM lbs/yr to 740 MM lbs/yr, and increased throughput through the reactor units and distillation units. Documentation was not available at the time of the audit to definitively determine if the changes in HMD triggered NSPS notification for distillation units (Subpart NNN) and reactor units (Subpart RRR). Examples of	The facility determined that the physical changes did not trigger NNN or RRR requirements. Documentation supporting this conclusion is maintained at the facility.	8/10/04	N/A	N/A	E

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			modifications that potentially triggered NSPS include: --Installation of a high pressure heat exchanger that allowed for an increase in throughput through the B distillation columns in refining (1985); --Replacement of distillation trays with structured packing in the refining B distillation columns, providing for an increase in throughput through the B distillation columns (1990); --Installation of isolation valves and air coolers that increased the throughput in the converters and in the synthesis recovery distillation units (1992-93); and --Installation of additional coolers in synthesis, allowing for an increase in throughput in converter B (1998).					
8	40 C.F.R. §§ 60.112b(a)(1)(i)	Federal regulations require all internal floating roofs to meet specified requirements. The internal floating roof must rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or	The annual tank inspection for Tank #42, conducted June 7, 2004, noted that the internal floating roof was not floating on the surface of the liquid.	The tank level graph was reviewed and it showed that the internal roof was above the minimum level, and that the notation in the inspection log was incorrect.	8/17/04	N/A	N/A	E

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		refilling shall be continuous and shall be accomplished as rapidly as possible. If certain conditions are detected during the required annual visual inspection, a report containing specified information must be furnished to EPA within 30 days of the inspection.						
9	40 C.F.R. Part 61, Subpart FF	An owner or operator must determine the total annual benzene quantity from facility waste using specified procedures.	Documentation and analytical data are insufficient to determine the benzene content (and subsequently Subpart FF applicability) in the PAI process unit.	The facility has conducted a facility-wide stream identification process (including the PAI process unit) to account for all benzene waste streams and to properly identify the points of generation for the identified streams. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/17/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
10	30 T.A.C. Chapter 117, Subchapter B, Division 3	No person shall allow the discharge into the atmosphere from any unit subject to a NOx emission limit in this section (including an alternative to the NOx limit described in the regulations) from ammonia emissions in excess of 20 ppmv based on a block one-hour averaging period. Units exempted from the emissions specifications of this section include industrial, commercial, or institutional boilers or process heaters with a maximum rated capacity less than 100 MMBtu/hr, and boilers and industrial furnaces that were regulated by EPA as	Facility was required to submit (by November 1999) a Final NOx Compliance Plan (FCP) for specific NOx sources located in the Beaumont/Port Arthur ozone nonattainment area. The facility listed Boiler No. 5 as an exempt BIF unit on its Final Compliance Plan submitted November 1999; however Boiler No. 5 did not meet the definition of an "existing unit" (burning waste prior to August 21, 1991) under the indicated exemption.	TCEQ and Region VI have confirmed Boiler 5 is in interim status. Thus, Boiler 5 qualifies for the referenced exemption from the NOx RACT regulations.	8/12/04	N/A	N/A	E

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ID #	Regulatory Citation	Brief Description of Requirement	Observation	Corrective Action	Date Discovered	60-Day Deadline	Date Closed	Frequency/ Duration
		existing facilities under 40 C.F.R. Part 266, Subpart H, as in effect on June 9, 1993.						
11	30 T.A.C. § 117.520	State regulations require each industrial, commercial, and institutional source in the Beaumont/Port Arthur ozone nonattainment area to submit a NOx Final Control Plan for major sources of NOx emissions as soon as practicable, but no later than the dates specified in the regulations.	The facility had not submitted a NOx Final Control Plan for INVISTA assets that were included in the Final Control Plan (i.e., Alternative Plant-Wide Control Plan) submitted by DuPont in November 1999. It was not clear that emissions from the INVISTA-owned assets could be included with the DuPont Alternative Plant-Wide Control Plan.	The facility originally planned to meet with TCEQ to discuss this finding. Prior to meeting with TCEQ, on 10/27/04, the facility determined that all INVISTA assets included in the previously filed 1999 Final Control Plan are exempt from NOX RACT emissions specifications pursuant to 30 T.A.C. 117.205(b)(3). Accordingly, the facility did not need to meet with TCEQ.	8/17/04	N/A	N/A (on 10/27/04, the facility determined all assets were exempt).	E
12	30 T.A.C. Chapter 116, Subchapter B, Division 6	Each proposed new major source or major modification in an attainment area must comply with the PSD requirements.	The facility did not maintain a PSD netting table. Based upon interviews with facility personnel (DuPont and INVISTA), the PSD netting table is not readily available and had not been updated for approximately four years.	There is no regulatory requirement for the facility to maintain a PSD netting table and no violations of PSD permitting requirements were identified.	8/17/04	N/A	N/A	E
13	Procedural Letter from EPA - 1992	EPA recognizes that the facility "will normally operate this boiler while burning non-fossil fuels." The requirement to continuously monitor emissions for particulate matter, sulfur dioxide, and nitrogen oxides or carbon dioxide is applicable only during periods when the facility burns 100% fossil fuels. In lieu of the quarterly reports required in 40 CFR 60.7(c) EPA requested that for each quarter the facility specify the times when the 2 ADN Boiler burned 100% fossil fuels. Nothing in the letter prevents EPA from requiring additional monitoring requirements at a future	The facility submits quarterly notifications to TCEQ that the ADN No. 2 boiler did not burn 100% fossil fuels. However, discussions with facility personnel indicate that the No. 2 boiler burns only methane (100% fossil fuel) during periods of start-up and shut-down.	The EPA letter does not prohibit the burning of 100% fossil fuels, only that EPA be notified when such an event occurs (in lieu of filing the quarterly reports). DuPont, as the prior holder of the permit, was required to submit the reports specifying the times when the ADN boiler burned 100% fossil fuels.	8/17/04	N/A	N/A	E

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		date.						
14	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater); 40 C.F.R. §§ 63.11(b)(4) and 63.113(a)(1)(i)	Federal regulations require group 1 process vents to be controlled by a flare that is operated with no visible emissions except for a total of 5 minutes in any 2 hour period. Test Method 22 in Appendix A of part 60 of this chapter must be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and must be used according to Method 22.	The ADN operating flare, which controls the group 1 process vents, was noted in the facility log as smoking for 40 minutes on July 3, 2004. It is unknown if the emissions were read in accordance with Method 22.	Upon further review, it was determined that the facility reported the opacity exceedances to TCEQ on 7/3/04. Method 22 "is applicable for the determination of the frequency of visible smoke emissions from flares." It applies to determine compliance based on the frequency of visible smoke emissions compliance during a two-hour period, but does not address visible smoke emissions during an upset event. Method 22 therefore does not apply to this finding.	8/18/04	N/A	N/A	E
15	30 T.A.C. §§ 106.4(a)(1) and 116.110(a)	To qualify for a permit by rule, total actual emissions from the facility that are authorized under the permit by rule must not exceed 250 tpy of CO or NO; or 25 tpy of VOCs or SO2 or PM10; or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen. Facilities authorized to be constructed and operate under a PBR must retain records containing sufficient information to demonstrate compliance with all applicable general requirements.	The facility does not track PBR authorized emissions to ensure that maximum allowable emission rates are not exceeded. Note: PBR emissions include those that are registered with the state as well as those that are covered under a standard PBR exemption. An emission netting table should include PBR registrations and self-exemption PBRs, and would exclude previous PBRs that had since been rolled into a new source review permit.	Upon further review, the facility has determined that no PBR netting table is required by the regulations. Nonetheless, the facility is evaluating improvements to track PBR emissions.	8/21/04	N/A	N/A	E
16	40 C.F.R. § 266.103(d)	The owner or operator must conduct compliance testing and submit to TCEQ a recertification of compliance within three years from	Federal regulations require triennial compliance testing and certification for the operation of boilers burning hazardous waste. The facility did	At the time of this finding, the facility did not operate the BIFs. Previously the facility has requested and received annual deferrals from	8/4/04	N/A	N/A	E

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		submitting the previous certification or recertification.	not conduct and submit a compliance recertification for the BIF units within three years of the previous submittals in calendar year 1995.	TCEQ starting in 1998.				
17	30 T.A.C. Chapter 334	An UST system is subject specified regulations (i.e., registration, self-certification, design, construction, installation, operation, testing, maintenance, upgrading, recordkeeping, reporting, removal from service, release monitoring, release reporting and corrective action, fee assessment, financial assurance and other applicable requirements) only when such system: (A) meets the definition of UST system under applicable regulations; (B) contains, has contained, or will contain a regulated substance (as defined); (C) is not completely exempted from regulation under applicable regulations; and (D) is not completely excluded from regulation under applicable regulations. Flow-through process tank—A tank through which regulated substances flow in a steady, variable, recurring, or intermittent manner during, and as an integral part of, a production process (such as petroleum refining, chemical production, and industrial manufacturing), but specifically	Sumps that exist within process areas and tank farms are greater than 110 gallons in capacity and are used to contain regulated substances that are inadvertently released, or are purged from the system. The content and use of these sumps are not clearly nor consistently identified, and so information is not available to determine applicability under either UST or RCRA regulations.	The facility further reviewed the finding and determined on 8/25/04 that the sumps may be exempt from the UST requirements under one of the exclusions or exemptions identified at 30 T.A.C. §§ 334.3 or 334.4. A sump-by-sump inventory and analysis was conducted to confirm that this exemption applies. On 11/15/04, the facility concluded that there is no violation as the sump inventory analysis concluded that all sumps are either exempt pursuant to 30 T.A.C. § 334.3(a)(5) or (6) or excluded pursuant to 30 T.A.C. § 334.4(a)(4).	8/5/04	Extension requested until 12/31/04 to complete sump inventory as per letter dated 11/9/04.	N/A (on 11/15/04, the facility determined that sumps were exempt).	E

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		excluding any tank used for the static storage of regulated substances prior to their introduction into the production process and any tank used for the static storage of regulated substances which are products or by-products of the production process.						
18	30 T.A.C. § 305.64(b)(3) and (e)	Except as provided otherwise in the applicable regulations, either the transferee or the permittee must submit to TCEQ an application for transfer of permits at least 30 days before the proposed transfer date. The application must contain specified information.	Original notification of the transfer of ownership for the four Underground Injection Control (UIC) Waste Disposal Well Permits was made March 16, 2004, 45 days prior to the proposed change of ownership. However, INVISTA was unable to provide proof of financial responsibility when the change of ownership became effective and thus the ownership of the UIC permits did not change. In a July 30, 2004 letter from the TCEQ to INVISTA, the TCEQ is also requiring INVISTA to begin a Corrective Action process to determine if Corrective Action will be required, citing 40 C.F.R. 264.101, Corrective action for solid waste management units.	The facility submitted a request to transfer the permits on 3/16/04. Final draft permits were issued by TCEQ on October 18, 2004.	8/17/04	N/A	N/A	E

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1	TNRCC Permit 1302 Special Condition No. 9; 30 T.A.C. § 116.115(c)	Within 60 days of start-up of the expanded facility production, the facility must submit documentation which demonstrates that the facility is achieving compliance with all the conditions of the permit. A sample of each record sheet required by any condition and a listing of all testing required with test dates is to be included in this information.	The facility had not submitted the documentation to demonstrate compliance to TCEQ (the NSR permit was issued in November 1994 and expires in November 2004). NSR Air Permit Condition No. 1302 required the facility to submit documentation to TCEQ within 60 days of startup of the ADN Production Facility demonstrating compliance with all the conditions of the ADN NSR permit.	This is a past requirement that INVISTA is unable to correct. The ADN Permit renewal application was submitted on July 14, 2004. INVISTA is working with TCEQ as the permit renewal is processed to conduct any compliance demonstrations required by the new permit.	8/4/04	10/3/04 By letter dated 12/15/04 the facility requested an extension until 60 days after issuance of ADN permit.	11/18/04 (Met with TCEQ to discuss resolving as part of permit renewal) See Tab 18.B	D,F
2	TCEQ Air Permit No. 1302, Condition No. 8; 30 T.A.C. § 116.115(b)(2)(F)	The total emissions of air contaminants from any of the sources of emissions listed in the table entitled "Emission Sources – Maximum Allowable Emission Rates" must not exceed the values stated on the table attached to the permit.	The emission inventories submitted to TCEQ indicate that the Operating Flare, HCN Startup Flare, and Fugitive Sources exceeded the allowable annual limits as provided by the following example for the ADN Operating Flare: CO (Permit Limit = 74.12 ton/yr) 2003 actual/reported: 78.519 ton/yr 2002 actual/reported: 130.931 ton/yr NOx (Permit Limit = 3.28 ton/yr) 2003 actual/reported: 35.191 ton/yr 2002 actual/reported: 15.501 ton/yr The emissions exceedances were the	An interim permit for the operating flare was issued by TCEQ. The facility submitted to TCEQ refined fugitive modeling on 10/15/04. The facility is awaiting TCEQ review of the fugitive modeling.	8/4/04	10/3/04 Extension requested until TCEQ issues the permit.	10/15/04 See Tab 18.B	B,F

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			result of updated process information, not increased production rates or process changes. The facility submitted a permit amendment to TCEQ in December 2003 and a permit renewal in July 2004 to increase the maximum allowable limits, and is awaiting issuance of approval of a revised permit from TCEQ for VOC Fugitives and Operating Flare.					
3	30 T.A.C. § 115.216(3)	The owner or operator of each VOC loading or unloading operation in the covered attainment counties or in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall maintain specified information regarding VOC transfers for at least two years at the facility.	The tank truck loading inspection forms for the ADN area do not record the date of the last leak testing of each tank-truck (the forms only have an "Inspection Date Not Overdue" line with an option to check 'Yes' or 'No'). In addition, forms are not always completed. For example, on a P-110 Waste transfer inspection form dated 12/23/2003, the "Inspection Date Not Overdue" line was not completed.	The facility revised its material shipping and receiving procedures (Procedure SP33) and implemented the revised procedures, and updated its loading/unloading inspection form, to address the issues raised in this finding.	8/17/04	10/16/04	10/14/04	B,F
4	TCEQ Air Permit No. 9468, 30 T.A.C. §§ 116.110(a) and 116.116(a)	Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants must, prior to beginning construction, either (1) obtain a permit; (2) satisfy the conditions for a standard permit; (3) satisfy the conditions for a flexible permit; (4) satisfy the conditions for a permit by rule; or (5) satisfy the criteria for a de minimis facility or source.	The facility's Nitric Acid NSR Permit (Permit No. 9468) did not recognize nitrous oxide (N2O) emissions. Note: The facility submitted a permit renewal application in March 2004 to TCEQ for the omitted pollutant.	The facility submitted a permit amendment application to cover nitrous oxide emissions from the Nitric Acid facility on 6/3/03. The facility submitted an updated permit renewal application in March 2004 following discussions with TCEQ. After further discussions with and concurrence by TCEQ, on 3/2/05, the application was withdrawn so that it could be coordinated and simultaneously processed with	8/17/04	10/16/04 Extension requested until permit issuance per letter dated 1/20/06.	Pending See Tab 18.A	D,F,A

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				revisions that were needed for Permit 1790. The facility will submit an application to amend NSR Permit No. 9468 by 1/31/06.				
5	30 T.A.C. §122.145 and 146.5	Unless otherwise specified in the permit, the permit holder must to TCEQ, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.	The Nitric Acid facility did not include the eight identified deviations in submitted semi-annual deviation reports and annual compliance certifications: 1. The facility has not been conducting a RATA once every 4 quarters as required by 40 C.F.R. 60, Subpart G; 2. The facility is not notifying the TCEQ verbally at least 15 days prior to CEMS performance evaluations and is not providing written notification within 15 days after testing is completed; 3. The facility quarterly NSPS compliance reports are not signed by a responsible official, and do not contain the required certification of accuracy and completeness statement; and 4. The facility is not reporting excess emissions during startups and shutdowns of the Nitric Acid plant.	The first three events were included as deviations in the annual certification submitted on 9/21/04. Upon further review, there were no excess emissions during startups and shutdowns of the Nitric Acid plant, thus, no reports required.	8/17/04	10/17/04	9/21/04	1. B,F 2. B,F 3. B,F 4. E
6	NSR Permit No. 1303, Maximum Allowable Emission Rate	The Maximum Allowable Emission Rate Table (MAERT) in NSR Permit 1303 limits emissions of ammonia to 0.29 lb/hr and emissions	The HMD facility had the following emissions which were greater than levels allowed in NSR Permit No. 1303:	These upset events were appropriately documented and no further action is required to date. These emissions were properly reported in the facility's subsequent	8/12/04	N/A	N/A	C

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	Table	of VOCs to 0.20 lb/hr, respectively.	June 23, 2004 – release of ammonia, and VOC emissions from NESHAPs vent PE-25. Ammonia (1.55 lb) and VOC (0.65 lb) emissions in 36 minutes exceeded the allowable emission rates listed in NSR Permit 1303 MAERT of 0.29 lb/hr and 0.20 lb/hr, respectively.	TRI and EI submissions.				
7	40 C.F.R. 265 Subpart J	Any person who intends to store, process, or dispose of industrial solid waste without a permit, shall notify the TCEQ that storage, processing, or disposal activities are planned at least 90 days prior to engaging in such activities.	The facility did not notify the TCEQ at least 90-days prior to storing, processing, or disposing of hazardous waste. The most recent amendment to the NOR, submitted by INVISTA, was submitted July 7, 2004.	The requisite information was submitted to TCEQ on July 7, 2004.	8/12/04	10/11/04	7/7/04	C
8	30 T.A.C. § 331.65(b)(1)	Permittees of non-commercial facilities must submit quarterly injection operation reports to TCEQ on specified forms, within 20 days after the last day of the months of March, June, September, and December.	The report for the second quarter 2004 (one of four quarterly reports reviewed) was submitted after the deadline of the 20th of the month following the end of the quarter. The report was submitted on July 21, 2004.	The facility has reviewed the Compliance Calendar and confirmed that the appropriate deadline is identified.	8/16/04	10/15/04	7/21/04	C
9	30 T.A.C. § 116.115(b)(2)(E)(i)	The flare shall operate with no less than 98 percent efficiency in disposing of the carbon compounds captured by the collection system. Any vent gas streams affected by §115.121(a)(2) of this title must be controlled properly with a control efficiency of at least 98% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion	The facility has not maintained the documentation to demonstrate compliance with NSR Air Permit No. 1302, which requires 98% destruction efficiency for the start-up flare.[A]	The facility originally requested an extension of the time period for corrective action because of the complexity of the issue. INVISTA is continuing to work with EPA and TCEQ to resolve this issue. This review and the compliance options will address, among other things, compliance with the HCN MACT requirements (40 CFR Part 63 Subpart YY), which took effect on	8/4/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

[A] This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit.

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		devices): (A) in a smokeless flare; or (B) by any other vapor control system, as defined in §115.10 of this title. The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit.		7/12/05. INVISTA notified EPA and TCEQ on 7/11/05 that the flare would not meet some of the HCN MACT requirements as of the effective date due to the previously identified design issues.				
10	TCEQ Air Permit No. 1790, Special Condition No. 10	A. Ketone Alcohol Barge Loading/Unloading associated with EPN 5LBA-048 may not exceed 33,600,000 pounds per calendar year and 118,800 pounds per hour.	SELF-IDENTIFIED AND PARTIALLY RESOLVED MAY 2004[A] The facility exceeds the specified rate during the barge unloading process based on the maximum pump rate capability of the barge unloading pump (700 gallons per minute versus the original estimate of 250 gallons per minute). Note: The facility has prepared a Permit By Rule notification mid-May 2004 to increase the hourly limit. The barge unloading pump is a DuPont asset, while the receiving tank is owned by INVISTA.	A PBR modification to address this finding was submitted to TCEQ on 9/27/04.	8/9/04	10/8/04	9/27/04	B,F
11	40 C.F.R. §§ 61.343(a) and (e)(1)	Facility owner or operator must install, operate, and maintain an enclosure and closed-vent system that routes all organic vapors vented from the tank, located inside the enclosure, to a control device in accordance with specified	The APF filter press outer enclosure in ADN waste treatment was not vented to a closed vent system and control device from 1992 until June 2004; the outer enclosure was vented to atmosphere.[A] Note: APF emissions include	This event has been reported to EPA and TCEQ. The auto press filter has been shutdown until appropriate controls are in place.	5/19/04	7/18/04	6/1/04	A,F

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		requirements. Tank must be located inside a total enclosure that must be designed and operated in accordance with specified criteria for a permanent total enclosure.	compounds such as benzene, hydrogen cyanide, cyclohexane, cresol, and organic nitriles.					
12	30 T.A.C. § 331.63 Operating Requirements	The annulus between the tubing and long string casing must be filled with a non-corrosive or corrosion-inhibiting fluid approved by the commission. The annulus pressure must be at least 100 psi greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions.	State operating requirements for deep wells include maintaining an annulus pressure greater than 100 psi. The facility did not maintain the minimum annulus pressure for two separate nineteen minute periods during the second quarter 2004 when the annulus differential pressure fell below the permitted minimum of 100 psi.[A]	The facility reported this deviation on the 2nd quarter Injection Report.	8/16/04	10/15/04	7/21/04	C

[A] This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit.

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			Exceptions					
1	40 C.F.R. § 63.152(b)	Federal regulations require submittal of Implementation Plan, Notice of Compliance Status, and Periodic Reports. The reports should, among other things, identify equipment subject to the HON, how they are controlled, and information addressing the compliance status of subject equipment.	The Notice of Compliance Status (NOCS) report that was submitted did not identify the specific emission points at the plant. The requirement to include group determinations in the reports indicates that the specific emission points that have such determinations be identified in the report.	This finding was withdrawn by the auditor. REASON FOR WITHDRAWAL: Auditor concluded that the rule did not require specific emission points to be included in the NOCS and that the existing documentation was sufficient to demonstrate compliance.	1/21/05	N/A	N/A	E
2	40 C.F.R. § 63.107 and § 63.152	General reporting and continuous records. The facility must identify process vents subject to the HON.	The following process vents in the ADN unit are identified as not subject to the HON because they are non-continuous: FA503, SA504, FA505, FA506, FA 507, FA508, FA509, FA218, FA210, FA211, FA213, FA217, FA207, FA212, FA706, FA208, FA214, FA215, FA216 . The rule excludes vents from batch process, but does not exclude "semi" continuous vents from continuous processes. All of these vents are controlled by a flare that is used to control other subject vents, therefore, they are in compliance with the control requirements of the rule. § 63.152 requires that the NOCS identify the subject emission points and group determinations. This requirement has not been met.	This finding was withdrawn by the auditor. REASON FOR WITHDRAWAL: Auditor concluded that the rule did not require specific emission points to be included in the NOCS and that the existing documentation was sufficient to demonstrate compliance.	1/21/05	N/A	N/A	E

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3	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. §63.103(c)(1)	Records of heat exchanger cooling water monitoring are to be retained for 5 years.	The facility was unable to provide a full five years of records of cooling water monitoring for subject heat exchangers. Records were provided for the period beginning 2nd quarter of 2001 through 4th quarter of 2004. As of the date of this finding, records should go back to the 1st quarter of 2000. The facility was unable to provide the auditor with records for all of 2000 and the 1st quarter 2001.	INVISTA has only owned and operated since 4/30/04 and has such records during its ownership. The facility obtained all available cooling tower historical lab data from Gulf Coast Labs (up to five years) and documented the 5-year record retention requirement in the facility's Environmental Database as well as the HON Operating Procedure.	2/3/05	4/3/05	3/15/05	D,F
4	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(a)	Rule requires each subject heat exchanger to be monitored quarterly for HAPs, VOC, TOC, or other appropriate parameter in cooling water to detect the presence of a leak.	The 3PN Column Spray Condenser Cooler was not identified as subject to the HON until January 2005. Therefore, the following deficiency occurred when monitoring: for the 4th quarter 2004, the facility monitored the appropriate parameter (TOC) but only for specific heat exchangers rather than the combined stream, and the 3PN exchanger was not monitored.	The facility revised the HON cooling tower sampling plan to include the 3PN Column Spray Condenser Cooler when evaluating leaks of HAPs into the cooling tower.	2/3/05	4/3/05	4/1/05	B,F, D

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5	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. §63.148	Rule requires leak inspection of control systems used to comply with controls required by the HON.	Portions of the closed vent system that collect vent gases from ADN process vents are not included in the facility's leak inspection program because several process vents were not identified as subject to the HON as described in Finding No. 6 (Vent Nos. SA504, FA505, FA509, FA218, FA211, FA208, FA207, FA212, FA213, FA217, FA210). Based on the finding that these vents are subject to the HON, the control systems associated with them are subject to the leak inspection rule in 63.148. Benzene, which is a HAP, is received as an impurity in the promoter used in the ADN unit. The benzene tends to concentrate at certain points in the process and can be present at a concentration above 5% on an annual average basis, making the associated equipment components subject to the SOCMI HON LDAR program. Equipment components that are above 5% HAP on an annual average basis due to the presence of benzene have not been identified as being subject to the SOCMI HON LDAR program. These components include the Water Recovery Column (#1102-1), and possibly the recycle cyane tank (#3045-1206).	The facility has tagged and monitored components and populated the database for HON/CAR regulations, which means that these components are now included in the facility's leak inspection program. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	A,F

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6	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR. §63.160, §63.181, and §63.182	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the SOCMI HON leak detection and repair (LDAR) program.	The Water Recovery Column (#1102-1) is not identified as part of the site's SOCMI HON LDAR program. Therefore, the resulting recordkeeping and reporting would not satisfy the requirements of 40 C.F.R. §63.181 and §63.182. Because the components noted in this deficiency are included in the site's general LDAR program it is likely that the required monitoring and repairs are being conducted consistent with the requirements 40 C.F.R. §63.162 through §63.175; however, this was not specifically verified during the audit. The scope of the audit did not include identification of all equipment components in the ADN CMPU subject to the SOCMI HON LDAR program due to the presence of benzene.	The facility has tagged and monitored components (including the Water Recovery Column) and populated the database for HON/CAR regulations. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	B,F
7	30 T.A.C. § 116.111(a)(2)(D); 40 C.F.R. §60.112b(a)(3)(i), 40 C.F.R. §60.485(b).	Closed vent system shall have no detectable emissions (emissions must be less than 500 ppm).	The closed vent systems for Tanks FT360 (NAS) and FT358 (HAS) are required to have leak detection and repair (LDAR) monitoring per NSPS requirements of §60.485. Currently, these components are being monitored and records kept pursuant to 40 C.F.R 61, Subpart FF (NESHAP). However, they are not being documented for NSPS purposes. Therefore, LDAR records should also reference the appropriate NSPS citation.	The facility has tagged and monitored components and populated the database for HON/CAR regulations and thus meets NSPS regulations as well. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	B,F

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8	30 T.A.C. § 116.111(a)(2)(D); 40 C.F.R. §60.115b(c)(2)	Requires a record of measured values of parameters specified in the operating plan.	Tanks FT360 (NAS) and FT358 (HAS), which are controlled in the fume abator, are required to keep records of measured values or parameters specified in the operating plan. The facility is not keeping records of mass flow or residence time.	Notification of NSPS for the HAS and the NAS tank was made in 2000. At that time, an operating plan was submitted, which had operational constraints on Fume Abator waste gas flow. Pursuant to the plan, the total gas flow rate to the Fume Abator has been monitored and recorded. Mass flow records (as well as temperature records), therefore, have been maintained at the facility since 2000 (albeit for NESHAPS FF purposes rather than NSPS purposes). Because residence time is a function of mass flow, residence time can be calculated from available records. Notwithstanding, in response to this audit finding, the facility has taken the following steps: (1) modify the operating procedures to mandate that the waste gas flow be kept to less than 1750 PPH (done on March 5, 2005); (2) install a mass flow indication alarm to the Fume Abator to assure proper adequate residence time (installed on March 5, 2005); and (3) maintain quarterly records of Fume Abator temperature and mass flow in the B3002 ADN Environmental records room.	2/3/05	4/3/05	3/16/05	B,F

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9	40 C.F.R. §65.5(a)(2) and §65.5(c)	Sources choosing to implement the Consolidated Air Rule (CAR) to satisfy SOCMI HON and/or other federal requirements for equipment leaks must provide prior notification of intent identifying the process units involved and the proposed implementation schedule.	The facility implemented the CAR for equipment leaks in the ADN area beginning 10/1/2004 without providing the required prior notification.	The facility submitted the Initial Notification and Notification of Initial Startup report to EPA on 2/24/05.	2/4/05	4/4/05	2/24/05	C
Potential Exception								
1	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. §63.6(e)(3)(v)	The owner or operator must maintain each previous version of the SSM plan for a period of 5 years after the revision of the plan.	The SSM plan was last revised September 2003. This plan describes using the SOPs in lieu of a SSM plan. Although current SOPs for the HON Group 1 process vents were made available to the auditor, facility personnel could not locate copies of the past versions of these SOPs or any version of the SSM plan prior to September, 2003.	The facility established in the HON procedure that the outdated copy of each modified SOP shall be sent to the HON Environmental Compliance Coordinator by the ADN Manuals editor prior to procedure revision. The ADN area has a dedicated manuals editor and communication has been made that before a revision is made to a SOP, a copy of the procedure to be revised will be sent to the HON Environmental compliance coordinator. A folder has been created in the shared ADN Environmental folder to place each procedure revision.	1/21/05	3/22/05	3/16/05	D,F

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			EXCEPTIONS					
1	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	Records must be kept demonstrating compliance with exemption from vent gas control. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The Benzene Stripper Vent in the Adipic Acid Unit is subject to the vent gas rule in 30 T.A.C. § 115.120, but is exempt from control due to 100 lb/day VOC exemption. The Title V permit and associated application do not identify the vent as being subject to the rule's recordkeeping requirements related to the exemption.	The facility amended its Title V permit application to add the Benzene Stripper Vent as subject to 115.120, but exempt from control, and established a file to document exemption. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
2	30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	A water separator equipped with a vapor recovery system must reduce emissions such that the true partial pressure of the VOC in vent gasses to the atmosphere will not exceed 0.5 psia. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Field examination revealed that the aqueous waste decanter in the Adipic Acid process is well controlled (combustion in cogen duct burners); however, its applicable requirements are not properly identified in the Title V permit. The decanter is identified as a possible Regulation V vent stream in the Title V permit application whereas it should be classified as a VOC water separator. The Title V application indicates that the combined 24 hour VOC content of this stream is less than 100 pounds, making it exempt from the vent stream emission control requirements; however, this is not the proper basis for determining control requirements for a water separator. The VOC separated is primarily cyclohexane with a vapor pressure of about 4.8 psia, which is greater than the exemption criteria of 30 T.A.C. § 115.137.	The facility amended its Title V application to add the Aqueous Waste Decanter as subject to the water separator regulations and the vent as subject to the VOC vent gas controls. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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3	30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	A water separator equipped with a vapor recovery system must reduce emissions such that the true partial pressure of the VOC in vent gasses to the atmosphere will not exceed 0.5 psia. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Field examination revealed that the recycle cyane tank decanter and the sump decanter in the Adipic Acid process are well controlled (routed through the low pressure scrubber prior to combustion in cogen duct burners); however, their applicable requirements are not properly identified in the site documentation and Title V permit. The low pressure separator is identified as a Regulation V vent stream treatment device, which is not the proper applicable requirement for VOC water separators such as these decanters. These decanters are not identified at all in the Title V permit application. The VOC separated is primarily cyclohexane with a vapor pressure of about 4.8 psia, which is greater than the exemption criteria of 30 T.A.C. § 115.137.	The facility amended its Title V application to change designation of Recycle Cyane Tank and Sump Decanter to water separators. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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4	30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	Industrial wastewater components must be equipped with water seals and properly controlled. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The Table 2 in the Adipic Acid NSR permit renewal application indicates that this unit produces about 300,000 lbs/hr of wastewater; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. The Title V application does indicate that there is a stream that contains less than 10 ppm benzene and therefore exempt from benzene NESHAPS (Subpart FF); however, it is not clear where in the process this determination is made (i.e., upstream or downstream of the unit's benzene scrubber), and there is no corresponding VOC content information consistent with Regulation V criteria. The site was not able to promptly produce complete and up-to-date records demonstrating compliance with Chapter 115 and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions from Chapter 115.	The facility determined and documented for each stream whether it was exempt from Regulation V control requirements. The facility amended its Title V permit application to reflect such determinations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding by including those streams that were not exempt and documenting those streams that were exempt.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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5	30 T.A.C. §§ 115.140, 115.142, 115.146(1) and 115.147	Industrial wastewater components must be equipped with water seals and properly controlled. Title V applicant must update application within 60 days of discovering inaccurate or omitted information.	The ADN unit and the ADN Promoter unit produce wastewater, which is collected in a wastewater collection system (including various sumps) for deep well injection; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. The site was not able to promptly produce complete and up-to-date records demonstrating compliance and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions. It should be noted that the sumps are controlled.	The facility determined and documented for each streams whether it was exempt from Regulation V control requirements. The facility amended its Title V permit application to reflect such determinations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1302 to correct this finding by including those streams that were not exempt and documenting those streams that were exempt.	11/10/04	1/9/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/30/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
6	30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	Industrial wastewater components must be equipped with water seals and properly controlled. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The HMD unit produces wastewater, which is collected in a wastewater collection system for biological treatment; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. During the audit, the site was not able to promptly produce complete and up-to-date records demonstrating compliance and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions. The 258 building sump was identified in the Title V application as a water separator exempt from controls due to low vapor pressure; however, the associated sewer system was not identified in the Title V application. The building 261 sump and the 317 sump and associated sewer system components were not identified in the Title V application. It should be noted that the sumps are not controlled.	The facility added Regulation V wastewater citations to the HMD Title V permit application. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding by including those components that were not exempt and documenting those components that were exempt.	11/10/04	1/9/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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7	30 T.A.C. § 122.143(4) - SC. 15. Operating Permit No. 0-01996	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	The solvent degreaser subject to Chapter 115 in the HMD unit is not included in the Title V permit as required per this special condition.	The facility added solvent degreaser citations to HMD Title V. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
8	30 T.A.C. § 122.143(4) - SC. 10. Operating Permit No. 0-01868	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	The solvent degreaser subject to Chapter 115 in the Adipic Acid unit is not included in the Title V permit as required per this special condition.	The facility added solvent degreaser citations to Adipic Acid Title V. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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9	30 T.A.C. § § 122.132(e)(3) and 122.142(b)(2)	The Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The HMD Unit Distillation columns B through F (GRP-DIST in Title V Permit) and distillation column A (PE-25A, which went to PE-25S, both in Title V Permit) are subject to the vent gas rule but exempt from control based on VOC concentrations less than 612 ppmv at the combined Low Pressure DOG stream. This stream is controlled in the BIF Boilers. Although these vents are exempt from the control requirements of § 115.120, they are subject to the monitoring and recordkeeping requirements in § 115.126. The Title V permit application and permit do not identify this vent as being subject to this rule as required.	The facility updated the HMD Title V citations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
10	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	The Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	HMD Unit Reactors A, B, and C (GRP-SYNRX in Title V Permit) and Aqua Recovery Column (PE-21A in Title V Permit) which make up the combined High Pressure DOG stream sent to the Cogen Duct burners are subject to the vent gas rule. Section 115.126(1) requires records of appropriate operating parameters to be kept to demonstrate ongoing compliance with DRE or outlet VOC concentration. No operating parameter has been identified by plant, and records are not being kept. Applicability to the rule is not addressed in Title V Permit. Data provided by plant indicates that VOC concentration exceeds 612 ppmv and is therefore subject to control. Because the stream is already being controlled, it is in compliance with § 115.122 control requirements. However, the requirement to include the vent stream in the Title V permit as subject to § 115.120 is not being met.	The faciliity amended its Title V permit application. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	A,F

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11	30 T.A.C. § 115.126(3)	Rule requires records to be kept demonstrating that vent is exempt from control.	LP DOG stream (Stream 18A) in the HMD Unit is identified as exempt from § 115.122 control requirements based on VOC < 612 ppmv. Records demonstrating compliance with exemption are required by § 115.126. Previous ASPEN modeling records were provided that indicated total VOC concentration of 479 ppm. The exemption for SOCMI reactor process vents is 500 ppm. As a result, the auditor maintains that additional information may be necessary to determine whether an exemption exists.	Based on the age of the ASPEN modeling records, the facility tested the stream and on 1/7/05 the facility determined that the exemption does not apply. Consistent with INVISTA's 12/15/04 letter related to Title V extensions, it amended its Title V application to reflect this stream by 2/1/05. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	A,F

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N/A	N/A	N/A	No Exceptions Found	N/A	N/A	N/A	N/A

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			EXCEPTIONS					
1	40 C.F.R. §§ 60.632, 60.635 and 60.636	Each owner or operator of an onshore natural gas processing plant is subject to a Leak Detection and Repair program.	The HCN Area Natural Gas Purification (NGP) unit is 1100 MSCF/H (26.5 MMSCF/D) product gas plant and is used to remove ethane and other "heavy" hydrocarbons from the HCN Converter feed gas. The separated hydrocarbons are either sold as Natural Gas Liquid (NGL) or re-vaporized and returned to the site 55- psig fuel gas header to be used as fuel. The facility had not considered this unit to be subject to NSPS Subpart KKK.	The facility has tagged, monitored, and populated the database for KKK LDAR regulations. In addition, the facility updated the NSR permit with the correct applicability. The facility requested an extension until 9/15/05 (per letter dated 3/23/05). The facility amended the Title V application on 3/31/05.	3/13/05	5/13/05 Extension requested until 9/15/05 (per letter dated 3/23/05).	9/15/05 (LDAR); 3/31/05 (Tit.V amdmt. app.) See Tab 18.B	A,F
2	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Neither the Adipic Acid Title V application nor the permit properly identify or characterize the following: (1) two areas of fugitive components (FD-27 and MeOH-Fug), (2) two loading areas (RGNLOAD and 05LTR-038), (3) four VOC/water separators with applicable requirements, (0272-3792-06, 0268-9018-17, 0272-3805-02, and 0272-3807-01), (4) one VOC/water separator (5100 building) that is exempt from the 30 TAC Chapter 155 provisions, (5) seven additional 30 TAC Chapter 115 process vents (05TFX-010, 05TFX-019, 05TFX-039, 05TFX-046, 05STR-041, PD-49, and ANLZ-VNT) , (6) one diesel-fired engine (550-DLG), (7) a diesel tank (550-TK), (8) the wash oil stripper.	The facility submitted an application for Title V Permit revisions to address this finding.	3/23/05	5/23/2005	3/31/05 See Tab 18.B	A,F
3	30 T.A.C. § 122.143(4) - SC. 10. Operating Permit No. 0-01868	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	Several PBR's used in the Adipic Acid unit were not included or were listed incorrectly in the Title V permit.	The facility submitted an application for Title V Permit revisions to address this finding.	3/23/05	5/23/2005	3/31/05 See Tab 18.B	D,F

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4	30 TAC § 115.143(c)(3)	Written notice must be provided to the Executive Director to comply with alternative control requirements.	INVISTA is complying with the alternative control requirements (ACR) for the for the affected volatile organic compound (VOC) wastewater stream handled by FT359. Specifically, the stream exits the ADN Production Area when it leaves the Nitrile Aqueous Storage (NAS) tank and is routed to an underground injection well for which INVISTA has been issued a final permit under 30 TAC 305 (Title 40 of the Code of Federal Regulations (40 CFR) part 144). The injection well complies with 30 TAC 331 (40 CFR part 122). However, INVISTA has been unable to locate any record indicating that the former owner and operator of the ADN Production Area submitted written notification of the intent to comply with the ACR.	The facility submitted appropriate notification to the Executive Director of TCEQ.	3/22/05	5/22/2005	3/30/05	D,F
5	30 T.A.C. §116.116(c); NSR Permit No. 1302, Special Condition 6.	Holders of permits shall comply with special conditions of permits. Special condition 6 requires that, unless an exception is granted by the Executive Director of the TCEQ, emissions from analyzer vents be controlled by a flare, incinerator, or recovery system with specified efficiencies.	The facility has two areas with analyzers that vent to atmosphere. In the case of the HCN Analyzer Vents (FH627), the vapors are routed through a scrubber, and what is not condensed is vented to atmosphere. There is no basis for documenting the efficiency of the HCN analyzer's scrubber. Additionally, Nitrile Analyzer Vents (FN628) are vented directly to atmosphere. The estimated total VOC emitted from the analyzer vents represented by FH627 and FN628 is 5 pounds per year or 0.0025 tons per year assuming no recovery or abatement.	The facility submitted a request to the Executive Director that an exception be granted for the waste stream from the analyzer vents.	4/21/05	6/20/05	5/4/05 See Tab 18.B	D,F

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6	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While analyzer vents in ADN, Adipic, and HMD units substantively meet PBR requirements, the facility has not submitted a registration nor maintained the required supporting documentation.	The facility submitted the appropriate PBR registrations, began maintaining necessary documentation, and updated the Title V permit applications (Adipic Acid, HMD and ADN) with the appropriate applicable requirements.	3/23/05	5/22/05	5/21/05 See Tab 18.B	D,F
7	TCEQ Air Permit No. 1468, Special Condition No. 7; 40 C.F.R. § 60.45(c)(5)	For a fossil fuel-fired steam generator that simultaneously burns fossil and nonfossil fuel, the continuous monitoring system's span value shall be subject to TCEQ approval.	The ADN North and South Boilers simultaneously burn natural gas and various nonfossil fuels. The span values for the ADN North and South Boilers' continuous monitoring systems have not been approved by TCEQ.	The facility submitted a request for TCEQ approval of the span values for the ADN North and South Boilers' continuous monitoring sytems.	5/6/2005	7/5/05	7/5/05 See Tab 18.B	D,F
8	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	The Adipic Acid Manufacturing Unit cooling tower facility meets the requirements of §106.4 of TCEQ Chapter 106, and Permit by Rule §106.371, but the facility did not maintain the requisite records demonstrating compliance with the PBR requirement.	The facility confirmed that a PBR applies to the water cooling tower and has begun maintaining records to demonstrate compliance with the PBR requirement.	5/26/05	7/25/05	7/25/05	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
9	30 T.A.C. §§ 335.112(a)(1-2), 335.69(a), 335.221(a)(13); 40 C.F.R. §§ 265.31, 266.103(j)(2), 265.15(c), 262.34(a)	Facilities must be maintained and operated to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Boilers and associated equipment must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, and fugitive emissions. A generator may accumulate hazardous waste on-site for up to 90 days in a tank without a hazardous waste permit, as long as other requirements are satisfied.	Solids collect in portions of the exhaust air handling equipment in certain hazardous waste boilers and viscous liquid is collecting on the outside of the boilers. The facility is currently evaluating whether the material is RCRA characteristic. The viscous liquid is routinely washed off the equipment, and the washwater is collected in concrete areas constructed within the concrete pads on which the boilers are located. The washwater exhibits the RCRA toxicity characteristic for chromium. The facility is evaluating whether it is otherwise RCRA characteristic. The collection areas are not designed and operated in accordance with the requirements for 90-day hazardous waste storage tanks and are not covered by a hazardous waste permit. The washwater is disposed as hazardous waste.	The facility continues to evaluate the applicable RCRA, air, wastewater or other requirements and identify and assess appropriate corrective actions. The facility has preliminarily identified the processes that may be creating these materials and is evaluating the feasibiliy and likely outcome of possible short-term measures.	6/14/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

INVISTA S.à r.l.
CAMS Findings
Voluntary Disclosures for Sabine River Works, Orange, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
10	30 T.A.C. §§ 116.110(a), 116.116(b)(1)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations.	The facility is reviewing all of its NSR applications and permits. The facility met with TCEQ on 12/20/05 and discussed a schedule consistent with the Title V Permit renewal process for completing the NSR permit amendment process. To the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought.	9/19/05	11/18/05 Extension requested until permit issuance per letter dated 1/20/06.	Pending See Tab 18.A	A,F

INVISTA S.à r.l.
PSD/NNSR Findings
Voluntary Disclosures for Sabine River Works, Orange, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 1997 time frame the facility made changes to the HMD unit and increased the unit's permitted capacity. These changes resulted in an increase of emissions above the NNSR significance threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 1997 to 1999 time frame the facility made changes to process areas to eliminate deepwell injection of waste streams. These changes resulted in increases of emissions above respective NNSR netting thresholds using an actual to potential emissions change analysis.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
3	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 2000 time frame the facility made changes to the operations of the HMD unit and increased the unit's permitted capacity. These changes resulted in an increase of emissions above the NNSR significance threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INVISTA S.à r.l.
PSD/NNSR Findings
Voluntary Disclosures for Sabine River Works, Orange, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
4	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 2001 time frame the facility made changes to restart the natural gas processing plant. These changes resulted in an increase of NOx emissions above the NNSR significance threshold and an increase of VOC emissions above the NNSR netting threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
5	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, the facility made a few changes in the ADN unit and began the practice of renting temporary equipment in the ADN unit in order to increase achievable annual ADN production rates. These changes resulted in an increase of NO_x emissions above the NNSR significance threshold and an increase of VOC emissions above the NNSR netting threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. § 61.348(a)(3)	Owner or operators cannot dilute a waste stream for purposes of meeting the less than 10ppmw annual flow-weighted average control option in 40 C.F.R. § 61.348(a)(1)(i).	Aqueous waste effluent from the benzene decanter in the ADN refining area and aqueous wastes from the HMD specialty production refining area are diluted with non-benzene waste streams prior to entering the benzene flasher.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/22/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
2	40 C.F.R. §§ 61.342 and 61.355	The quantity of benzene in benzene waste streams must be calculated according to regulatory requirements.	Benzene waste streams have not been properly identified, and, therefore, the total annual benzene reports have been inaccurate.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
3	40 C.F.R. § 61.355(b)	The owner or operator of a facility subject to the benzene NESHAP shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in the regulations.	The total annual benzene quantities were not being determined at the point of generation in both the ADN and HMD refining areas.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/15/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
4	40 C.F.R. § 61.342(c)(2)	Owners or operators that claim benzene waste streams to be exempted from the management standards must demonstrate initially and thereafter at least once per year that the flow-weighted annual average benzene concentration in the stream is less than 10ppmw as determined by the procedures in 40 C.F.R. § 61.335(c)(2) or (c)(3).	The facility does not adequately determine the benzene content of every aqueous and organic liquid waste streams throughout the individual operating units.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
5	40 C.F.R. § 61.342(c)(1)(ii)	Owners or operators must comply with the waste management standards in 40 C.F.R. §§ 61.343 through 61.347 for each waste management unit that receives or manages the waste stream prior to and during treatment of the waste stream.	The ADN refining area does not operate equipment handling the benzene waste decanter aqueous waste stream per the requirements of 40 C.F.R. 61.343 for tanks and 61.346 for drain systems. The waste contained in the organic sump, the organic collection tank and the wet organic decanter pump tank are not being managed in accordance with the inspection and maintenance requirements of 61.343 through 61.347.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
5.1	40 C.F.R. §§ 61.342 through 61.357	Sources that are regulated under 40 C.F.R. Part 61, Subpart FF must meet treatment, monitoring, inspection, record keeping and reporting requirements and standards.	The facility is currently not complying with the benzene NESHAP requirements.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5.2	40 C.F.R. §§ 61.343, 61.346, 61.347, 61.349 & 61.357	Facilities with a TAB above 10 Mg must perform periodic inspections on regulated equipment and submit quarterly reports that all required inspections have been performed.	Because the facility had not historically identified all regulated benzene streams, some equipment managing regulated benzene wastes was not included in the periodic inspection program and, therefore, not all inspections were performed.	The facility has conducted a comprehensive benzene wastewater stream identification process. The facility updated its periodic inspection program to include equipment managing any newly identified regulated benzene streams.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
5.3	40 C.F.R. §§ 61.348, 61.354, 61.355 & 61.357	The facility uses its RCRA boilers as benzene treatment devices, and as such must demonstrate that these units achieve at least 99% destruction efficiency. A proper operating parameter must be identified, and exceedances of that parameter included in quarterly reports.	The facility never demonstrated 99% destruction efficiency of the boilers under Subpart FF nor established a proper operating parameter for the boilers, and the boilers had not been included in past quarterly reports.	The facility, prior to INVISTA's ownership, conducted tests under RCRA that demonstrated at least 99% destruction efficiency based on operations at the time the test was conducted. On 2/18/05, the facility submitted a letter to TCEQ requesting confirmation that this test demonstrates compliance with the treatment requirements of 40 C.F.R. § 61.348(a)(1)(iii). The facility also intends to conduct an additional test to confirm compliance based on current operating parameters i 2006. In the interim, the facility also has identified CO as the required indicator of boiler performance, and is monitoring this parameter.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5.4	40 C.F.R. §§ 61.354(d), 61.357(d)(7)(iv)(I)	Carbon canisters must be inspected at periods no greater than 20% of the design replacement intervals and replaced immediately once breakthrough is detected. Quarterly reports must indicate any deviations from these requirements.	The facility inspects carbon canisters weekly (i.e., 5-week design replacement interval). Monitoring records indicate that on some canisters, breakthrough is occurring more frequently than once every 5 weeks. Additionally, replacement of carbon canisters can sometimes takes up to 48 hours after identification of breakthrough. Past quarterly reports have not identified these issues.	The facility evaluated the inspection frequency for all of the carbon canisters to ensure that it meets the requirement to conduct inspections at 20% of the design carbon replacement interval. Additionally, in future quarterly reports the facility will identify, as excursions, any incidents in which monitoring did not occur within a calendar week or any period in which the canister was not replaced within 48 hours of VOC detection.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
6	40 C.F.R. Part 61, Subpart FF (need more specific cite)	The owner or operator shall sample, monitor and maintain records required by Subpart FF.	The facility operated the nitrile stripper column (NSC) as a benzene treatment unit, but did not manage the NSC in compliance with the benzene NESHAP standards.[B]	The facility ceased operation of the NSC on June 3, 2004. INVISTA is continuing to discuss appropriate corrective actions with TCEQ and EPA.	5/24/04	7/23/04	6/3/04 will re-start upon approval from TCEQ.	A,F
7	40 C.F.R. § 61.356(e)	An owner or operator using a treatment process or wastewater treatment system unit in accordance with § 61.348 must maintain specified records for the life of the unit.	The facility does not maintain the following required documentation for the benzene flasher: (1) Signed and dated design and operation certification. (2) Details of the treatment process design and waste stream information. (3) Test protocol describing test variables and conditions.	On 9/1/04 the facility submitted to TCEQ notice of performance testing for the benzene flasher. It conducted the test on October 13 & 14, 2004. The facility has prepared and will maintain all required records.	7/26/04	9/24/2004 Extension requested until 11/15/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
8	40 C.F.R. § 64.4	Subject sources must submit a Compliance Assurance Monitoring (CAM) plan for emission units that have a pre-control device potential to emit of greater than 100 tons per year.	The facility operates rotary and fluidized bed dryers in the Adipic Acid area that are controlled by baghouses in order to meet the process weight rate limitation. A CAM plan has not been submitted.	Upon further review, the facility determined that, for this unit, the regulations require the submittal of the CAM plan upon renewal, which has not yet occurred.	7/27/04	N/A	N/A	E
9	40 C.F.R. § 68.79(a)	The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practices developed under this subpart are accurate and are being followed. Facilities must conduct a compliance audit of the RMP program every three years.	The facility's system for conducting RMP element audits is such that greater than 3 years can pass between audits for any specific element.	This finding relates to the system in place prior to INVISTA's ownership. INVISTA has modified the RMP audit process so that the entire facility will be audited every three years as part of a comprehensive PSM audit, the first of which was conducted in November 2004. The compliance calendar was updated to reflect this new process.	7/27/04	9/25/04	9/24/04	B,F
10	40 C.F.R. § 72.9(a)	Cogeneration facilities constructed prior to November 15, 1990, serving a generator with a nameplate rating greater than 25 MWe, and selling greater than one third of its electricity to the grid, must apply for an Acid Rain permit.	The facility's cogeneration unit was constructed prior to November 15, 1990, serves an 87 MWe generator and sells 100% of its electricity to the grid.	Upon further review, this finding is based on incorrect facts. The facility does not sell 100% of its electricity to the grid and has remained below the threshold for triggering the requirement to obtain an Acid Rain permit.	7/20/04	N/A	N/A	E
11	40 C.F.R. § 82.162(a)	Persons maintaining, servicing or repairing appliances except for MVACs, and persons disposing of appliances except for small appliances and MVACs, must certify to the EPA that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart.	The facility has not registered two Promax freon recovery units used in the HVAC Maintenance Department and the facility has not certified to EPA Region VI, within 30 days of change of ownership, that freon recovery equipment is maintained on-site and that the facility is complying with 40 C.F.R. Part 82, Subpart F.	The facility submitted the registration and certification to EPA Region VI on September 24, 2004.	7/26/04	9/24/04	9/24/04	C
12	30 T.A.C. § 101.10(a) and (d)	The owner or operator of a source in Texas must submit emissions inventories and/or related data as required.	The facility's 2003 Emission Inventory indicated that the catalyst used in the Op1 and Op1A process was being diluted with cyclohexane, despite the fact that this practice was discontinued 4 to 5 years ago.	The relevant information in the 2003 Emissions Inventory was corrected and resubmitted to TCEQ on August 4, 2004.	7/20/04	9/18/04	8/4/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
13	30 T.A.C. § 101.10(a) and (d)	The owner or operator of a source in Texas must submit emissions inventories and/or related data as required.	The facility's 2003 Emission Inventory (EI), which was based on data generated by the prior owner, was deficient in the following ways: (1) The EI spreadsheet for Adipic Acid used 7 percent mineral spirits by weight to calculate VOC emissions from the Op1 catalyst mix tank versus the actual mineral spirits concentration of 98 percent by weight. As a result, the tank was not included in the EI because it was erroneously determined to be below reporting thresholds. (2) KA emissions in the Adipic Acid Op1 Crude KA tank were underreported in 2003. (3) Emissions from Adipic Acid Dryers No. 3 and No. 4 and Op4 No. 2 Loading Bins were reported at levels above permitted rates (9.53 tons each vs. 4 tons each for dryers and 3.99 tons vs. 2 tons for loading bins) due to an error in the EI spreadsheet. (4) The EI report did not include emissions from the gasoline dispensing station or from the degreasers.	The facility resubmitted the 2003 EI report to TCEQ on August 4, 2004 and thereby addressed Items No. 1, 2, and 3. Emissions from the omitted sources addressed in Item No. 4 were submitted to TCEQ on September 22, 2004.	7/22/04	9/20/04	1. 8/4/04 2. 8/4/04 3. 8/4/04 4. 9/22/04	D,F
14	30 T.A.C. § 106.261	Permit amendments are required prior to modifications unless such modifications are allowed by a Permit by Rule. Physical changes are allowed by PBR provided that, among other things, there are no changes to or additions of any air pollution abatement equipment.	The facility installed equipment to allow barge loading of product from HMD in 1998 that included the installation of a scrubber. It was incorrectly conducted under PBR 106.261.	Upon further review, the facility determined that the project was properly authorized under PBR 106.261.	7/27/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
15	30 T.A.C. §§ 116.110(a) and 106.264	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The Adiponitrile (ADN) facility replaced equipment citing permit by rule (PBR) 106.264 - Replacements of Facilities. However, the facility did not comply with the requirements of 106.264. Specifically, the replacement equipment emits chemicals listed as hazardous constituents in 40 C.F.R. Part 261, Appendix VIII which is not allowed according to 106.264(6).	On October 15, 2004, the facility submitted a revised PBR registration for the replaced ADN equipment citing PBR 106.264 in combination with 106.261 and 106.262.	7/27/04	9/25/04	10/15/04[C]	D,F
16	30 T.A.C. § 106.8(c)	Owners and operators of facilities authorized to be constructed and operated under a permit by rule (PBR) must retain specified records.	The facility does not have documentation to support PBR authorization for the following sources: (1) Soldering, brazing and welding. (2) Manufacturing, refinishing and restoring wood products. (3) Surface coating facility. (4) Auto body refinishing facility. (5) Dry abrasive cleaning.	The facility prepared the necessary PBR records for soldering, brazing and welding; manufacturing, refinishing and restoring wood products; auto body refinishing facility; surface coating facility and dry abrasive blasting.	7/26/04	9/24/04	10/15/04[C]	D,F
16.1	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The facility does not have air permit authorization for its West and Concrete landfills.	On September 24, 2004, the facility submitted PBR registrations for the West and Concrete landfills citing PBR 106.261 and/or 106.262.	7/26/04	9/24/04	9/24/04	A,F
17	30 TAC §§ 122.132 and 122.136(b)	Facilities subject to Title V permitting must list all applicable regulations in the permit application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall submit the relevant facts or correct the information within 60 days after discovery of the error.	The facility's Title V application, and subsequent draft permit, for the Adipic Acid process do not list any applicable requirements for the steam still decanter, recycle decanter or recycle organics decanter. These process units are "water separators" subject to 30 TAC § 115 Subchapter B, Division 3.	On October 15, 2004, the facility updated Table OP-UA14, indicating that the equipment is totally enclosed and meets the requirements of 30 TAC § 115.132(b)(1).	7/20/04	9/18/04	10/15/04[C]	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
18	TCEQ Air Permit No. 812, Special Conditions No. 4, 6, 11.C, and 11.D	Fuel used in the adipic powerhouse (APH) boilers shall be limited to types and rates of liquid and gaseous waste fuels identified in the October 1997 permit application. Compliance with particulate matter (PM) emissions limits shall be based upon the combined total for APH boilers. The PM emissions will be calculated from the ash analysis and volumes of liquid waste fuels fired. Records of waste stream flows and ash analysis will be maintained. An ash analysis will be performed for all liquid waste streams burned in the boilers four times per year. Fuel usage limitations and waste firing rate limitations must be documented by maintaining records of integrated fuel flow to each boiler and totaled monthly. Records of the total of all liquid waste fuels fired on a monthly basis and computed PM emissions on a rolling 12-month basis must be kept for the APH boilers.	The facility failed to comply with TCEQ Air Permit No. 812 as follows: (1) The facility did not conduct quarterly ash analysis for the "fuel additive" combusted in the APH boilers. (2) The facility did not record or otherwise calculate the maximum and average hourly feed rate for the "fuel additive" combusted in the APH boilers. (3) Combined PM emission calculations did not include PM contributed by combustion of the "fuel additive" in the APH boilers. (4) The facility exceeded the average hourly throughput limit for scrubber off-gas (SOG) combusted in the APH boilers. (5) The facility exceeded the average hourly natural gas throughput rate for the APH boilers as represented in Confidential Section 2 and Appendix B to the October 1997 permit amendment application. (6) The facility exceeded the average hourly throughput limit for A-Oil burned in the APH boilers. (7) The facility exceeded the average hourly throughput limit for Diamine off-gas combusted in the APH.	(1) By 8/25/04, ash analysis for "fuel additive" combusted in the APH boilers was added to the routine sample analysis. (2) By 8/30/04, "fuel additive" was added to the waste fuel combustion records. (3) By 8/30/04, PM calculations were revised to include PM from the combustion of "fuel additive" in the APH boilers. (4) The exceedance was caused by a faulty transmitter on the Boiler No. 3 flowmeter. The facility repaired the faulty transmitter and added a high SOG flow alarm to the distributed control system. (5) On 10/15/04, the facility submitted a request to TCEQ to clarify in Special Cond. No. 4 that the firing rate of nat. gas is not limited by the representations in Conf. Sec. 2 and App. B to the 10/97 permit amend. app. (6) The finding included the volume of steam used during line steam cleaning in addition to the A-Oil burned (per the facility's records). The throughput of A-Oil did not exceed the ave. hourly limits. The facility now verifies daily that throughput of A-Oil remains below limits. (7) A PBR authorizes the Diamine off gas at the current throughput levels.	7/20/04	9/18/04	1. 8/25/04 2. 9/12/04 3. 9/2/04 4. 9/13/04 5. 10/15/04[C] (permit issued 9/29/05) 6. N/A 7. N/A	1-5 A,F 6-7 E
19	TCEQ Air Permit No. 813, Special Condition No. 4	Permit No. 813 limits the maximum hourly throughput limit for Hexamethylenediamine (HMD) Oil burned in the Diamine Power House (DPH) to the representations in Confidential Section 2 and Appendix C to the October 1997 permit amendment application.	The facility exceeded the average hourly throughput limit for HMD Oil burned in the DPH.	On October 15, 2004, the facility submitted a request to TCEQ to alter Permit No. 813 to clarify the allowable HMD Oil burning rate for the DPH. TCEQ issued a revised permit on 10/12/05.	7/20/04	9/18/04	10/15/04[C] (permit issued 10/12/05)	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
20	30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. § 60.40(c)	In order to be granted a permit amendment, the applicant must include information which demonstrates that emissions from the facility meet New Source Performance Standards (NSPS). NSPS for Industrial Steam Generators installed after August 17, 1971 limit NOx, SOx and PM.	The facility's air permit amendment application for the adipic powerhouse (APH) and diamine powerhouse (DPH) submitted in October 1997 incorrectly stated that NSPS Subpart D did not apply to Boilers No. 4, 7, and 8 despite the fact that the boilers were constructed after the rule effective date of August 17, 1971.	1. On October 15, 2004, the facility submitted a request to TCEQ to alter TCEQ Air Permits No. 812 and 813 to reflect the fact that Boilers No. 4, 7, and 8 are subject to Subpart D. TCEQ issued revised permits on 9/29/05 and 10/12/05, respectively. 2. The facility also sampled the APH waste liquids for sulfur to demonstrate compliance with the underlying fuel standards.	7/27/04	9/25/04	1. 10/15/04[C] (permits issued 9/29/05 and 10/12/05) 2. 8/25/04	A,F
20.1	30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. § 60.40(c)	Facilities subject to NSPS for Industrial Steam Generators installed after August 17, 1971 must comply with the substantive limits for NOx, SOx and PM and performance and compliance demonstration.	The facility has not determined whether it meets the substantive requirements of NSPS Subpart D or performed a compliance test for boiler No. 4.	On 7/15/05, INVISTA submitted a letter to TCEQ proposing a method for monitoring NOx emissions from Boiler 4 and also seeking TCEQ approval of the proposed method to demonstrate compliance with the NSPS Subpart D NOx standard. INVISTA is awaiting a response to this request. On 1/20/06, INVISTA submitted a letter to EPA and TCEQ seeking an additional extension of time and setting forth INVISTA's schedule to certify the CEMS installed on Boiler 4 due to the fact that it has not received EPA feedback on its proposed monitoring method. During the testing of Boilers No. 4, 7, and 8, opacity was measured by a continuous opacity monitor system (COMS) and Method 9 was not performed. On 9/15/05, the facility requested confirmation from TCEQ that the COMS data satisfies the NSPS Subpart D compliance demonstration requirements for Boilers No. 4, 7, and 8. As INVISTA has not received an objection to COMS data, it assumes that the COMS data, being more conservative, satisfies the NSPS Subpart D requirements.	9/10/04	11/9/04 Per letter dated 1/20/06, extension requested until 4/30/06 to certify the NOx CEMS for Boiler 4.	Boiler 7: 12/22/04 Boiler 8: 12/29/04 Boiler 4: Testing 1/21/05; Compliance Plan 3/1/05 See Tab 18.A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
21	TCEQ Air Permit No. 23271, Special Condition No. 5; TCEQ Air Permit No. 20011, Special Condition No. 2; TCEQ Air Permit No. 7186, Special Condition No. 5	Except as may be provided for in the special conditions of the permit, all waste gas from point sources containing volatile organic compounds (VOC) and/or other organic compounds (hydrocarbons and/or hydrocarbon derivatives excluding carbon dioxide) shall be routed to a flare.	The facility currently routes waste gas from point sources containing VOC and other organic compounds to the power plant for combustion in the BIF units rather than to a flare.	Per request, on October 15, 2004, the facility submitted a request to TCEQ to alter Permits No. 23271, 20011, and 7186 to clarify that it is acceptable to burn vent gases in the BIF units. TCEQ issued revised permit Nos. 23271 and 7186 on 9/22/05. TCEQ issued revised permit No. 20011 on 6/3/05.	7/26/04	9/24/04	10/15/04[C] (permits issued 6/3/05 and 9/22/05)	A,F
22	30 T.A.C. § 116.115(b)(2)(F)	The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the Maximum Allowable Emission Rate table attached to the permit.	The facility does not maintain calculations to demonstrate conformance with the hourly or annual limits outlined in the MAER tables in each of its NSR permits.	The facility determined that the facility is demonstrating compliance with the MAER table limits using required methods set forth in its permit.	7/15/04	N/A	N/A	E
22.1	TCEQ Air Permit No. 812, Special Condition No. 5.	Adipic Powerhouse Boilers No. 1, 2, 3, and 4 must comply with all requirements of 40 C.F.R. Part 60, Subparts A and D when burning 100 percent fossil fuel.	The facility has submitted quarterly notifications to TCEQ that the boilers did not burn 100 percent fossil fuels despite the fact that Boilers No. 1, 2, 3, and 4 burned 100 percent fossil fuel (i.e., methane) during periods of startup and shutdown.	The facility has submitted a request to TCEQ for alteration of Permit No. 812 to clarify that Boilers No. 1, 2, and 3 are not subject to NSPS Subparts A and D. The facility also will include periods when Boiler No. 4 burns 100% fossil fuels in future quarterly notifications. The facility consolidated several permit amendments and submitted them on 10/15. TCEQ issued a revised permit on 9/29/05.	7/22/04	9/20/04	10/15/04[C] (permit issued 9/29/05)	B,F
23	30 T.A.C. § 116.111(a)(1)	Applications for permits, permit amendments and special permit amendments must be signed by an authorized representative.	The permit renewal applications for the Cogeneration unit, AOP, ADN and AA were not signed by an authorized representative of the corporation.	The facility determined that the permit renewal applications where signed by an authorized representative of the corporation satisfying Texas air permitting requirements.	7/26/04	N/A	N/A	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
24	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	1. In June 1999, HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams that contain trace amounts of ammonia were routed to the 311 EQ tank under § 106.472, despite the fact that emissions from the 311 EQ tank are not vented through a scrubber. PBR 106.472(9) disallows aqueous ammonia solutions unless vented to a scrubber. 2. The C-12 area added a new Urea Mix Tank in 2002 under § 106.472 despite the fact that the material stored in the Urea Mix Tank does not constitute an "aqueous salt solution" or other chemical authorized under § 106.472. 3. As part of the C-12 area's 2003 TRI reduction project, the facility changed the service of the existing MS Feed Decanter and MS Feed Tank (and changed their names to EAW Decanter and EAW Nuet. Tank, respectively) under § 106.532 despite the fact that the stream routed to the MS Feed Decanter and MS Feed Tank is ultimately disposed of by deep well injection which is prohibited by § 106.532(3)(C).	1. The facility submitted a PBR registration to TCEQ for the routing of the HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams to the 311 EQ tank and requested confirmation that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. On October 14, 2004, the facility received a letter from TCEQ (PBR Registration No. 73819) stating that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. Thus, there was no violation related to this finding. 2. The facility has submitted a PBR registration to TCEQ for the Urea Mix Tank based on §§ 106.261 and 106.262. 3. The facility has submitted a PBR registration to TCEQ for the TRI reduction project based on §§ 106.261 and 106.262, which allows for the emissions from disposal.	7/22/04	9/20/04	1. 9/22/04 2. 9/20/04 3. 9/20/04	E,D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
25	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The facility incorrectly evaluated air toxics increases when the flow through the Biotreatment system was increased from 51 gpm to 1408 gpm. The original evaluation only considered an increase to 550 gpm.	The facility submitted a PBR registration to TCEQ for the routing of the HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams to the Biotreatment ADN/311 Equalization Tank and requested confirmation that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. Emission calculations included with the PBR registration reflected a maximum throughput rate of 1,411 gpm. On October 14, 2004, the facility received a letter from TCEQ (PBR Registration No. 73819) stating that the routing of these streams to the Biotreatment ADN/311 EQ tank was properly authorized under § 106.472.	9/4/04	11/3/04	9/22/04	D,F
26	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.152(c)	The owner or operator of a source subject to 40 C.F.R. Part 63, Subpart G shall submit semi-annual Periodic Reports.	The facility has not included as a process vent the Nickel Recovery Unit (NRU) distillation column (ID 10RSY224) in the Subpart G semi-annual Periodic Reports.	The facility had previously determined that the wastewater stream entering the NRU is a group 2 stream and thus the NRU was not subject to group 1 control and/or reporting requirements. The NRU has been shut down since 5/29/04 and currently there are no plans to re-start it. The facility completed a comprehensive HON wastewater stream identification for all HON units on 11/10/04.	7/21/04	9/19/04	5/29/04	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
27	30 T.A.C. § 13.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.147(b)(8)	The facility must determine whether each wastewater stream is a Group 1 or Group 2 wastewater stream by making the determination either at the point of generation or downstream using adjustment factors to account for dilution.	Records were not sufficient to demonstrate that Group 2 downstream (diluted) determinations for ADN and C-12 wastewater streams were properly made (i.e., dilution factors were properly applied).	The facility completed a comprehensive HON wastewater stream identification for all HON units on 11/10/04. The facility identified one Group 1 stream in the ADN unit previously determined to be a Group 2 stream. See Tab 13.B, No. 1 for more information.	7/21/04	9/19/04	11/10/04	D,F
28	30 T.A.C. § 116.160	Each proposed new major source or major modification shall comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations promulgated by EPA at 40 C.F.R. § 52.21.	The PSD netting analysis provided in the APH/DPH modification permit application submitted to TCEQ in October 1997 is not consistent with information contained in the facility's internal PSD netting table. As a result, despite the fact that the netting analysis contained in the permit application reflected a net decrease in PM10 emissions, based on the information contained in the facility's internal PSD netting table, the APH/DPH modification appears to have resulted in a significant net increase in PM10 emissions and, therefore, triggered PSD permitting requirements for PM10.	This modification occurred prior to INVISTA's ownership. Further, it is unclear that the internal netting table is accurate or that the table submitted to TCEQ is inaccurate. INVISTA sought an extension to until it conducted a facility-wide PSD audit to determine compliance with PSD permitting requirements. The results of the PSD audit were set forth in the Fourth Quarterly Report and are the subject of ongoing meetings with EPA.	7/27/04	9/25/04 Current extension request seeks until 2/28/07 to develop corrective measures.	PSD audit complete. See Tab 13.E for PSD Findings. See Tab 18.A (corrective action dates for PSD findings)	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
29	40 C.F.R. §§ 60.115b(d)(1) and 60.665(l)	New Source Performance Standards require the submittal of Periodic Reports every 6 months from the start-up date of each unit subject to the NSPS standard.	The facility submits semi-annual periodic reports for three distillation columns and three tanks every January and July, rather than on the 6-month anniversary of the date of initial start-up of each source.	The facility determined that the current 6-month submittal of periodic reports complies with the NSPS requirements.	7/26/04	N/A	N/A	E
29.1	40 C.F.R. § 60.663(b)(2)	For vent gases controlled by a flare, NSPS NNN requires a flow indicator that provides a record of vent stream flow to the flare at least once every hour.	The flare serving the Nitrile Stripper Column is not equipped with a flow indicator.	The facility ceased operating the Nitrile Stripper Column on June 3, 2004. The facility has determined and TCEQ concurred by letter dated 12/20/05 that the NSC is a wastewater treatment unit under the HON. Accordingly, it is not subject to NSPS NNN as a process unit.	9/22/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
30	40 C.F.R. §§ 60.7, 60.665, and 60.705	Federal regulations for reactors and distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and semiannual reporting.	(1) In 1998, the facility modified the HMD plant. Notification that NSPS was triggered for the reactors (Subpart RRR) and distillation columns (Subpart NNN) was not made, and the HMD reactors and distillation columns have not been included in the semiannual Periodic Reports. (2) The specialty products distillation columns (SP-1 and SP-2) were originally designated as NSPS Subpart NNN sources based on construction dates but subsequently were removed from the NSPS program by the facility based on the belief that the columns were operated in batch mode, which exempts distillation columns from NSPS. However, the SP-1 and SP-2 distillation columns do not operate in batch mode as defined in Subpart NNN and, therefore, are subject to Subpart NNN and must be reported to be NSPS sources and included in the semiannual Periodic Reports.	(1) As a precaution, the facility included the HMD reactors and distillation columns in the Periodic Report that was submitted on 9/24. The facility determined that the 1998 HMD expansion at issue did not trigger NSPS. (2) Upon further analysis, the facility determined that this process is not regulated under NSPS NNN because it does not produce as a product, by-product, co-product or intermediate any of the chemicals listed in the applicability tables to NNN.	7/26/04	9/24/04	1. 9/24/04 2. N/A See Tab 18.B	E
30.1	40 C.F.R. § 60.663(b)(2)	For vent gases controlled by a flare, NSPS NNN requires a flow indicator that provides a record of vent stream flow to the flare at least once every hour.	The flare serving the HMD process is not equipped with a flow indicator.	The facility determined that the 1998 HMD expansion at issue did not trigger NSPS. Therefore, the flare is not required to be equipped with a flow indicator.	9/22/04	11/21/04	11/19/04	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
31	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions); 40 C.F.R. § 63.10(b)(3)	The owner or operator must keep a record of the negative applicability determination for each major source MACT standard that may be applicable where: (1) the owner or operator emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f); (2) the stationary source is in the source category regulated by the relevant standard; and (3) the source is not subject to the relevant standard because of limitations on the source's potential to emit or an exclusion.	The facility has not documented the negative applicability of recently-issued NESHAP regulations, including the following potentially applicable standards: (1) Subpart MMMM (Surface Coating of Miscellaneous Metal Parts and Products). (2) Subpart PPPP (Surface Coating of Plastic Parts and Products). (3) Subpart RRRR (Surface Coating of Metal Furniture). (4) Subpart YYYY (Stationary Combustion Turbines).	The facility prepared and placed in its files a signed negative applicability determination for 40 C.F.R. Part 60, Subparts MMMM, PPPP, RRRR, and YYYY.	7/26/04	9/24/04	9/24/04	D,F
32	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions); 40 C.F.R. § 63.10(d)(5)(i)	The start-up, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted semiannually.	The semiannual Periodic Reports submitted for the HON (Subpart G) and Off-Site Waste and Recovery Operations (OSWRO, Subpart DD) that include the start-up, shutdown and malfunction reports, were not signed and certified by a responsible official or a properly delegated representative.	The facility has established a system to ensure that future start-up, shutdown, and malfunction reports are signed and certified by a responsible official or a properly delegated representative.	7/27/04	9/25/04	9/16/04	B,F
33	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F - Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(a)	Unless one or more of the conditions specified in § 63.104(a)(1) through (a)(6) are met, owners and operators of sources subject to HON Subpart F shall monitor each heat exchange system used to cool process equipment in a chemical manufacturing process unit.	The C-12 and ADN heat exchanger systems are not being monitored for leaks in accordance with HON Subpart F requirements despite the fact that they are not operated with a pressure differential of at least 35 kPa and, therefore, do not meet § 63.104(a)(1).	On October 15, 2004, the facility began monitoring the C-12 and ADN heat exchangers systems for leaks pursuant to 40 C.F.R. Part 63, Subpart F requirements. The facility subsequently determined that the C-12 unit is not subject to the HON and EPA concurred with the facility by letter dated 8/29/05.	7/26/04	9/24/04	10/15/04[D]	(C-12) E (ADN) A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
34	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.113(a)(2); 30 T.A.C. § 115.122(b)	Federal regulations require control of process vent gases from Group 1 vents and demonstration that destruction efficiencies are being met. Similarly, TCEQ regulations require control of process vents from Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation and reactor units and demonstration that minimum destruction efficiencies are being met.	The facility has not demonstrated that the required destruction efficiencies are being met at temperatures below the BIF certification levels. The facility routes its HON vent gas streams to BIF units that have certified compliance with the interim standards found at 40 CFR Part 266. However, the facility introduces HON vent gases at temperatures below the BIF certification levels. Performance testing has not been conducted at the lower temperatures to ensure conformance with the required destruction limits at the lower temperatures.	The facility will not introduce HON vent gases to the BIFs at temperatures below the BIF certification levels. The boiler low temperature distributed control system (DCS) alarm procedures have been modified to reinforce the prohibition on HON process gases entering the boiler furnace if the exit temperature is below limits identified in DRE testing of the BIF boilers.	7/27/04	9/25/04	9/9/04	B,F
35	30 T.A.C. §§ 106.532(3)(B) and 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source. Disposal facilities using land surface treatment are not permitted by rule.	Land application of bio-solids occurring on-site is not addressed by the facility's biotreatment plant NSR permit or by an applicable PBR.	The facility determined that neither an NSR permit or PBR is required for this practice.	7/26/04	N/A	N/A	E
36	30 T.A.C. §§ 116.110(a) and 106.454(1)(A)(ii)	For degreasing units authorized under § 106.454, the owner or operator of the degreaser must keep monthly records of total solvent makeup (gross usage minus waste disposal).	The facility is not maintaining records of solvent usage on a monthly basis for three degreasers authorized under § 106.454.	As of September 3, 2004, the facility has conducted a review of all active degreasing units and has instructed each area with a degreaser to maintain monthly records of solvent usage and to add an entry in their wall chart to verify documentation of solvent usage.	7/22/04	9/20/04	9/3/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
37	30 T.A.C. §§ 116.110(a) and 106.433	Paint spray booths are permitted by rule provided they meet the criteria specified in § 106.433, including: (1) Emissions shall be exhausted through elevated stacks that extend at least 1.5 times the building height above ground level. (2) Data of daily coatings and solvent use and the actual hours of operation of each coating or stripping operation must be maintained at the plant site.	The facility's paint spray booth and blast yard do not comply with PBRs 106.433 and 106.436 as follows: (1) The paint spray booth's stack height is less than the required 1.5 times the height of the building. (2) The logs currently being maintained for paint usage in the paint spray booth and the blast yard do not contain the amounts and types of solvents used. (3) The logs currently being maintained to track coatings used do not include the VOC content of each material.	(1) As of August 31, 2004, the facility has ceased all coating operations within the paint spray booth. If the facility uses the booth again, prior to using the booth, the height of the paint spray booth stack will be increased to the required 1.5 times the height of the building. (2) As of August 25, 2004, the facility has updated the paint usage logs for the spray booth and blast yard to include the amounts and types of solvents used. (3) As of August 25, 2004, the facility has updated the paint usage logs to include the VOC content of each material used.	7/22/04	9/20/04	1. 8/31/04 2. 8/25/04 3. 8/25/04	B,F
38	30 T.A.C. §§ 116.110(a) and 116.116; Special Exemption No. X-4751	Representations with regard to construction plans and operation procedures in an application for a special exemption are conditions upon which a special exemption are issued.	Facility personnel operate a groundwater air stripper (Special Exemption No. X-4751) in a manner inconsistent with the original representations in the application for special exemption. The special exemption application represented that the groundwater air stripper would be used for the removal of tetrachloroethylene only. The groundwater air stripper is remediating benzene, arsenic, barium, cyanides, acetophenone, cobalt, copper, nickel, phenol, and toluene.	Although INVISTA operates the groundwater air stripper, Special Exemption No. X-4751 is held by DuPont. Therefore, INVISTA notified DuPont of the need to apply for a new Permit by Rule or permit.	7/22/04	9/20/04	9/24/04	A,F
39	40 C.F.R. § 112.20(e)	Facilities that handle and store oil and that do not meet the substantial harm criteria listed in Attachment C-I to Appendix C must complete and maintain at the facility the certification form contained in Attachment C-II to Appendix C	The facility does not meet the criteria for a substantial harm facility and has completed the required certification. However, the certification was made by the PE that developed the plan, not by the owner or operator.	The substantial harm form has been signed by the EHS Manager and included within the SPCC plan.	7/21/04	9/19/04	9/17/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
40	40 C.F.R. §§ 112.3 and 112.7	The facility must prepare a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with the procedures set forth in the regulations.	The facility's SPCC Plan had 26 categories of technical deficiencies and secondary containment may not be adequate as described in the Plan because it does not address certain oil drums sitting on gravel or the dirt portion of the Wood Lined ditch.	The facility modified the SPCC Plan to correct the numerous technical deficiencies. In addition, the facility has installed necessary secondary containment.	7/21/04	9/19/2004 Extension requested until 11/15/04	11/15/04	A,F
41	40 C.F.R. §§ 82.156(i)(5), 82.156(i)(9), and 82.166(k)	Owners or operators of comfort cooling systems that contain or use Class I or II ozone depleting substances are required to maintain records, repair leaks and provide notifications relating to the use of refrigerants.	Of the repairs performed on refrigerant containing comfort cooling systems, the following issues were identified: (1) 8 follow up tests were not completed within 30 days of charging the system. (2) There were no records that follow-up testing was completed for 3 units. (3) Repairs were not completed within 30 days and reports were not submitted to EPA for 13 units.	Upon review of additional information and further analysis:(1) The facility determined that there is no follow-up test requirement for comfort cooling systems, so the failure to complete follow-up testing within 30 days is not a violation.(2) The facility determined that there is no follow-up test requirement for comfort cooling systems, so the failure to perform follow-up testing within 30 days is not a violation.(3) This finding was made in error. The facility's records indicate that all 13 units were repaired within 30 days, and there is no requirement that reports be submitted to EPA under these circumstances.	7/26/04	N/A	N/A	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
42	40 C.F.R. §§ 82.156(i)(2), 82.156(i)(9), and 82.166(k)	Owners or operators of industrial process refrigeration equipment appliances that contain or use Class I or II ozone depleting substances are required to maintain records, repair leaks and provide notifications relating to the use of refrigerants.	The following deficiencies were identified in the review of the repairs of CFC-containing process equipment: (1) Leak rate calculations were not completed for 2 pieces of industrial process refrigeration equipment. (2) Leak rate calculations for 3 pieces of industrial process refrigeration equipment for the period before 2003 had not been maintained for 3 years. (3) The dates of follow-up testing for 3 sets of repairs for a piece of industrial process refrigeration equipment were not included in the facility's records. (4) Repairs were not made and reports were not submitted to EPA for a piece of industrial process refrigeration equipment on 2 occasions.	(1) The facility determined that the 2 pieces of industrial process refrigeration equipment contain a refrigerant that is not a Class I or II ozone depleting substance. (2) The facility determined that the finding is not accurate regarding 2 of these 3 pieces of industrial process refrigeration equipment because they contain a refrigerant that is not a Class I or II ozone depleting substance. For the third piece, the facility has revised its site procedures and conducted refresher training to ensure that all required records are maintained for 3 years. (3) The facility determined that the records were present on site but had not yet been entered on the facility's master spreadsheet. (4) The records of these repairs were located and they indicate that the repairs were made within 30 days. There is no requirement that reports be submitted to EPA under these circumstances.	7/26/04	(1) N/A (2) 9/24/04 (3) N/A (4) N/A	(1) N/A (2) 9/9/04 (3) N/A (4) N/A	E (No. 2) D,F
43	30 T.A.C. § 285.34(d)	State regulations require periodic cleaning of grease traps for kitchen areas that discharge grease and oil to on-site septic facilities.	Records were not readily available to demonstrate that the recreational facility clubhouse kitchen grease trap is routinely serviced.	Upon further review, the facility determined that the applicable regulations do not require that records of grease trap servicing be kept. The facility does periodically service the grease traps, and therefore, no corrective action is needed.	7/22/04	N/A	N/A	E
44	30 T.A.C. § 285.39(b)	Owners of on-site sewage facilities shall have the treatment tanks pumped on a regular basis to prevent sludge accumulation from spilling over to the next tank or outlet device. Owners of treatment tanks shall engage only persons registered with the executive director to transport the treatment tank contents.	Records were not readily available to demonstrate that the facility self-pumps the septic system on a periodic basis and disposes of the removed material into the on-site domestic treatment works and that only persons registered with the executive director are authorized to transport the treatment tank contents.	Upon further review, the facility determined that no corrective action is needed because there is no requirement to keep records of septic system pump outs and the transport never leaves INVISTA property and the facility audit did not find any noncompliance regarding the substantive requirements.	7/20/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
45	30 T.A.C. § 305.128	Discharge monitoring reports (DMRs) must be signed by a responsible corporate official or a duly authorized representative of the responsible corporate official.	Following the change in ownership from DuPont to INVISTA, monthly DMRs were not signed by personnel with proper signatory authority.	The Plant Manager has been assigned the authority to sign documents in accordance with corporate procedures and has delegated to the EHS manager signature authority.	7/21/04	9/19/04	8/26/04 for Plant Manager 9/16/04 for EHS Manager	C
46	30 T.A.C. § 305.64(e)	If a person attempting to acquire a permit causes or allows operation of the facility before approval is given, such person shall be considered to be operating without a permit or other authorization.	Notification of the transfer of ownership for UIC Waste Disposal Well Permits No. WDW-004, WDW-028, WDW-029, WDW-30, WDW-105, WDW-106, WDW-142, WDW-143, and WDW-144 was submitted to TCEQ on March 9, 2004. However, transfer of the permits to INVISTA has not yet occurred.	On September 20, 2004, the facility submitted a minor amendment to the permit transfer application per TCEQ's request to change the permittee name and reflect the fact that there is more than one captured facility at the site. TCEQ issued a revised permit on 6/22/05.	7/27/04	9/25/04	9/20/2004 (permit issued 6/22/05)	E
47	30 T.A.C. § 335.224(5)(H)(ii)	The facility's BIF correspondence file must include all correspondence between the facility and the Regional Director of the EPA, state and local regulatory officials.	The facility's interim status BIF correspondence file did not include all required information, including: (1) Copies of EPA and TCEQ site visit reports. (2) Enforcement notifications of violations. (3) All correspondence between the facility and the Regional Director, state and local regulatory officials.	As of August 25, 2004, the BIF correspondence file has been updated to include all required information.	7/20/04	9/18/04	8/25/04	D,F
48	30 T.A.C. § 331.9(b)	Injection into Class V wells used for the disposal of greater than 5,000 gallons per day of sewage must be authorized by a wastewater discharge permit from the commission under Chapter 305 of the title before the operations begin.	The facility has not applied for a permit or submitted the required inventory data for the operation of three septic systems associated with the on-site recreational facility.	Upon further review, the facility determined that this is not a violation because the septic system installation predates the regulation and is thus exempt from the permitting requirements and/or inventory requirements.	7/20/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
49	30 T.A.C. Chapter 334	Owners and operators of underground storage tanks (USTs) must comply with UST registration, certification, operating, construction, and leak detection requirements.	The facility has numerous sumps that are greater than 110 gallons in capacity and that do not meet any other exemptions from the UST program.	Upon further legal review, the facility determined that the 110 gallon sumps do meet certain exemptions (i.e., the wastewater collection and emergency spill exemptions) and thus are not regulated USTs.	7/22/04	N/A	N/A	E
50	30 T.A.C. § 334.7(d)	The owner or operator of a regulated UST system must provide written notice to TCEQ of a change in owner or operator within 30 days of the change.	The facility did not notify TCEQ in writing of the change in UST system ownership from DuPont to INVISTA within 30 days of such change.	The facility has received UST financial assurance and filed the amended UST self-certification with TCEQ.	7/15/04	9/13/04	9/10/04	C
51	30 T.A.C. § 335.476	Within 30 days of any revision of a facility's pollution prevention plan, a revised executive summary, including a copy of a new certificate of completeness and correctness, shall be submitted to TCEQ.	The Executive Summary for the facility's Pollution Prevention Plan had not been revised to reflect INVISTA ownership or submitted to the TCEQ within 30 days of the change as required.	The Pollution Prevention Plan Executive Summary has been revised to reflect INVISTA ownership and was submitted to TCEQ.	7/26/04	9/24/04	9/15/04	C
52	30 T.A.C. § 335.6	Industrial and hazardous waste generators must complete a Notification of Registration (NOR) detailing waste generation and management activities.	The NOR for the facility, Solid Waste Registration No. 87449 and EPA ID: TXR000057968, does not detail waste generation and management activities. Hazardous and industrial wastes generated on site and storage units maintained at the facility are not identified.	On September 12, 2004, the facility's NOR was updated to detail waste generation and management activities and to identify hazardous and industrial wastes generated on site and storage units maintained at the facility excluding the RCRA permitted units. On 4/11/05, the facility's RCRA permitted units were transferred to INVISTA and TCEQ subsequently updated the NOR for the RCRA units. TCEQ did not update the BIF units because they are in interim status. On 1/23/06, the facility requested that TCEQ update the NOR for the BIF units as well.	7/27/04	9/25/04	9/12/2004 (initial NOR update) 1/23/06 (request to update NOR for BIFs) See Tab 18.B	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
53	30 T.A.C. § 335.69(a) and (b)	A generator may accumulate hazardous waste on-site for 90 days without a permit or interim status provided the requirements specified in 30 T.A.C. § 335.69(a) are met.	The facility stored hazardous waste in the following storage containers for greater than 90 days without the containers having been identified in the facility's hazardous waste permit (Permit No. HW-50056-001): CS-1: waste oil was stored for 94 days (from 4/12/04 to 7/15/04).	As of August 25, 2004, facility personnel have been retrained to haul/empty containers at least every 80 days, and a new documentation card has been placed on CS-1 to better indicate empty and fill dates.	7/20/04	9/18/04	8/25/04	D,F
54	30 T.A.C. § 335.69(d) 40 C.F.R. § 262.34(c)(1) 30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I - Use and Management of Containers); 40 C.F.R. § 265.173(a)	A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, if, among other things, the containers are marked either with the words "Hazardous Waste" or with other words that identify the contents of the containers. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.	(1) Broken thermometers in the laboratory in Building 3 were not containerized or labeled. (2) The hazardous waste accumulation area located outside the laboratory in Building 3 did not meet the criteria for satellite accumulation. Drums containing hazardous waste, laboratory pack material, and cyclooctadiene vial mixture located in the accumulation area were not under the control of the operator of the process generating the waste. (3) A container of used sharps located in the laboratory in Building 3 was not maintained closed during storage. (4) Drums containing hazardous waste, stored on the porch outside of the laboratory in Building 3, were not maintained closed during storage.	(1) As of August 25, 2004, the broken thermometers in the Building 3 laboratory have been placed in a properly labeled container. (2) As of September 15, 2004, lids with lock mechanisms have been installed on the drums containing hazardous waste, laboratory pack material, and COD vial mixture in the accumulation area located outside of the Building 3 laboratory thereby providing access only to the operator generating the waste. (3) As of August 25, 2004, personnel in Building 3 have been instructed as to the requirement to maintain the container of used sharps in a closed position except when adding or removing waste. (4) As of August 25, 2004, the bungs of the drums containing hazardous waste, stored on the porch outside the Building 3 laboratory, have been tightened and personnel have been instructed to ensure that the bungs remained tightly closed during storage.	7/20/04	9/18/04	1. 8/25/04 2. 9/15/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
55	30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I - Use and Management of Containers); 40 C.F.R. § 265.174	Owners and operators of hazardous waste facilities must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.	The weekly inspection documentation for Container Storage Area 29 for the week of 5/2/04 did not include the inspector's first name. Weekly inspection documentation for Container Storage Area 1 included only the inspector's first name or initials beginning 7/1/03 and extending until the time of the audit.	As of August 25, 2004, the forms for future inspections were changed to note that the inspector's full name must be included.	7/20/04	9/18/04	8/25/04	B,F
56	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D - Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40 C.F.R. §§ 265.51(a) and 265.54.	Owners and operators of hazardous waste facilities must have a contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever the facility changes in a way that is material.	The following deficiencies/discrepancies in the facility's contingency plan were noted: (1) INVISTA was not identified as the owner of the facility. (2) Injection wells 10 and 11 (hazardous waste units) were listed as active instead of inactive. (3) The west landfill was listed as closed instead of active.	As of August 25, 2004, the facility's contingency plan has been amended to identify INVISTA as the owner of the facility and to update the information regarding the status of injection wells 10 and 11 and the west landfill.	7/20/04	9/18/04	8/25/04	A,F
57	30 T.A.C. § 335.112(a)(2) (adopting by reference 40 C.F.R. Part 265, Subpart C - Preparedness and Prevention); 40 C.F.R. § 265.35	Owners and operators of hazardous waste facilities must maintain aisle space to allow the unobstructed movement unless aisle space is not needed for any listed purpose.	On July 15, 2004, inadequate aisle space was observed in the hazardous waste warehouse.	On July 16, 2004, warehouse personnel moved drums to provide adequate aisle space in the hazardous waste warehouse.	7/15/04	9/13/04	7/16/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
58	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B - General Facility Standards); 40 C.F.R. § 265.15(d)	The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.	Documentation of daily tank inspections conducted for the C-12 Intermediate Area (WT-25, 27, 28, 60, 61, 62, 65, 68, 72 and 73) are not finalized on the day of inspection. Instead, the daily inspection documents are reviewed for completeness on a weekly or monthly basis. Following such review, any deficiencies are made known to the inspector, who then completes any missing information (i.e., levels, items to inspect, time of inspection).	As of August 24, 2004, area personnel have been instructed that no changes to inspection sheets are to be made after the inspection is completed.	7/15/04	9/13/04	8/24/04	B,F
59	TPDES Permit No. 00476	TPDES Permit No. 00476 requires the recording of various types of data for demonstrating compliance with the permit.	Entries on the Procedure and Sample Logs and Flow Measurement and Sampling Logs were observed to be covered with "whiteout" and replaced with new information (e.g., pH entry on March 5, 2003 and February 15, 2004).	While these entries occurred prior to INVISTA's ownership, the facility has implemented new procedures regarding the correction of records which prohibits the use of whiteout.	7/20/04	9/18/04	9/9/04	F
60	30 T.A.C. § 324.1 (adopting by reference 40 C.F.R. Part 279 - Standards for the Management of Used Oil); 30 T.A.C. § 324.6; 40 C.F.R. § 279.22(c)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."	A drum of material awaiting disposal, located near the Acid Power Area used oil dumpster, was not labeled with the words "Used Oil."	As of July 26, 2004, the facility has prepared additional labels for used oil usage and has labeled the drum located near the Acid Power Area used oil dumpster. The facility also has reemphasized to area personnel the proper method for labeling used oil containers.	7/21/04	9/19/04	7/26/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
61	30 T.A.C. §§ 334.10(b)(2)(B)(ii) and (vii), 334.46(i)(2)(C)(i), and 334.51(c)(2)(B)	Owners and operators of UST systems must keep records of equipment information for all UST system components, including manufacturers' specifications, installation instructions, operating instruction, warranty information, recommended test procedures, and inspection and maintenance schedules. In addition, owners and operators must keep records of any servicing, calibration, maintenance and repair of any spill and overfill prevention equipment.	Copies of manufacturers' installation instructions, operating instructions, warranty information, recommended test procedures, and inspection and maintenance schedules for tank system components were not maintained in facility files. In addition, the facility did not maintain calibration records for spill and overfill equipment according to manufacturers recommendations.	Copies of manufacturers' installation instructions, operating instructions, and maintenance information were placed in a single binder at the facility for easy access and review.The facility determined that calibration records are not required because the spill and overfill equipment manufacturer does not recommend calibration of the equipment nor is calibration required pursuant to applicable codes and standards of practice.	7/21/04	9/19/04	9/15/04	E
62	30 TAC §§ 334.10(b)(2)(B)(vi) and 334.50(e)(2)(B)	The owner or operator shall maintain all written performance claims pertaining to any UST release detection system used, along with documentation of the manner in which such claims have been justified, verified, or tested by the equipment manufacturer and methodology used by the provider/vendor or independent third party evaluator.	The facility has three USTs that rely on vapor monitoring as a form of release detection. The facility does not possess records to demonstrate that vapor monitoring is adequate release detection for the three active USTs.	As of September 10, 2004, the site ceased relying on vapor monitoring as a mode of release detection from the USTs and associated piping. For the USTs, the facility switched to automatic tank gauging and inventory control. For the piping, the site will continue to perform annual pipe tightness testing and annual line leak detector testing. The vapor monitoring system will continue to be maintained as a back up system.	7/21/04	9/19/04	9/10/04	A,F
63	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g)	Except as authorized by a rule, permit, or order issued by TCEQ, no person may discharge sewer, municipal waste, recreational waste, or industrial waste into or adjacent to any water in the State.	The outdoor shooting range is not addressed in the facility's TPDES permit as a potential source of surface water contamination despite the fact that storm water from the shooting range appears to mix with industrial storm water discharge.	An application for renewal of TPDES Permit No. 00476, which addressed the shooting range as a potential source of surface water contamination, was submitted to TCEQ on August 4, 2004. The shooting range has subsequently been closed.	7/20/04	9/18/04	8/4/04 See Tab 18.B	B,F